



# भारत का राजपत्र

## The Gazette of India

असाधारण

### EXTRAORDINARY

भाग II — खण्ड 2

#### PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

### LOK SABHA

The following Bills were introduced in Lok Sabha on 28th December, 2018:—

#### BILL NO. 182 OF 2018

*A Bill to provide for prevention of acid attacks by surveillance over sale, supply and use of acid or other such corrosive agents and rehabilitation of victims of acid attack and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

#### CHAPTER I

#### PRELIMINARY

**1. (1)** This Act may be called the Prevention of Acid Attacks and Rehabilitation of Acid Attack Victims Act, 2018.

Short title,  
extent and  
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

**2.** In this Act, unless the context otherwise requires,—

(a) "acid" means any substance which has acidic or corrosive character or burning nature, that is capable of causing bodily injury leading to scars or disfigurement or temporary or permanent disability;

(b) "acid attack victim" means a woman on whom acid has been poured or sprinkled with the intention of causing bodily injury or disfigurement and who, as a consequence of such act, has suffered any bodily injury or disfigurement effected by chemical action of the acid.

(c) "appropriate Government" means,—

(i) in relation to a Union territory, the Central Government; and

(ii) in relation to a State, the Government of that State; and

(d) "prescribed" means prescribed by rules made under this Act.

## CHAPTER II

### REGULATION OF TRADE, SALE, SUPPLY AND USE OF ACID

Regulation of  
sale, purchase,  
trade, or  
supply of acid.

**3. (1)** Every person engaged in the business or trade of acid shall maintain records of sale, purchase and supply of acid and its quantity, concentration and chemical composition.

(2) No person shall sell or otherwise deliver to a person an acid of higher concentration than the prescribed degree for the intended use by such person.

(3) No person shall sell or otherwise deliver acid to a person without keeping a record of his identity, the quantity of acid and the purpose for which the acid is to be used.

(4) Every person who sells or delivers acid to a person shall install CCTV for recording and monitoring of sale process of acid.

Classification  
of acid  
concentration  
for different  
purposes.

**4.** The Central Government shall, by notification in the Official Gazette, specify the kinds and degrees of concentration of acid to be used for different purposes.

## CHAPTER III

### CONSTITUTION OF BOARD

Constitution  
of Board.

**5. (1)** The Central Government shall, by notification in the official Gazette, constitute a Board to promote and undertake such rehabilitation and welfare measures, as it may think fit, for the victims of acid attack throughout the country.

(2) Without prejudice to the generality of the provisions of sub-section (1), the rehabilitation and welfare measures may provide for—

(a) assessing the incidents of acid attacks in the country;

(b) payment of such compensation to victims of acid attack as may be prescribed;

(c) rehabilitation measures including employment in Government or its organizations or providing facilities of self employment, through vocational training; and

(d) such other facilities as may be prescribed.

(3) The Board shall consist of—

(a) a retired judge of the High Court as Chairperson; and

(b) five other members having such experience as may be prescribed,

to be appointed by the Central Government in such manner as may be prescribed:

Provided that at least two members of the Board shall be women.

(4) The salary and allowances payable to and other terms and conditions of service of Chairperson and other members of the Board shall be such as may be prescribed.

#### CHAPTER IV

##### REHABILITATION OF ACID ATTACK VICTIMS

**6.** Where an acid attack has caused substantial bodily harm to or resulted in disfigurement of the victim, such victim shall be deemed to be person with disability for the purposes of availing benefits under various schemes, including employment under the Central Government, any State Government, any local body, autonomous bodies under any Government or any public sector undertakings depending on percentage of burn or bodily harm or disfigurement of the victim:

Acid attack victims to be treated as persons with disability in certain cases.

Provided that if the victim is incapable of employment, reimbursement of expenditure incurred on her medical treatment and compensation for rehabilitation shall be determined by degree of burn or disability as prescribed by the Board.

#### CHAPTER V

##### OFFENCES AND PENALTIES

**7.** Any person who contravenes the provisions of section 3 shall be punished with simple imprisonment for a term which may extend upto six months or with fine which may extend upto five lakh rupees or with both.

Offences and Penalties.

#### CHAPTER VI

##### AMENDMENT OF THE INDIAN PENAL CODE

45 of 1860.

**8.** In section 326A of the Indian Penal Code, 1860 (hereinafter referred to as the Code), for the words "and with fine", the words "and with fine, which shall not be less than rupees ten lakh" shall be substituted.

Amendment of section 326A.

**9.** In section 326B of the Code, for the words "seven years, and shall also be liable to fine", the words "ten years, and shall also be liable to fine which shall not be less than rupees three lakhs" shall be substituted.

Amendment of section 326B.

#### CHAPTER VII

##### AMENDMENT OF THE CODE OF CRIMINAL PROCEDURE

2 of 1974.

**10.** In section 357C of the Code of Criminal Procedure, 1973 the following Explanation shall be inserted at the end namely:—

Amendment of section 357A.

*"Explanation.— For the purposes of this section, any reconstructive procedures and surgeries required shall be treated as medical treatment."*

**11.** In the First Schedule to the Code of Criminal Procedure, 1973, under the heading "I.- OFFENCES UNDER THE INDIAN PENAL CODE", in the entry relating to section 326B, in column 3, for the words and number "which may extend to 7 years and with fine", the words and number "which may extend to 10 years and shall also be liable to fine which shall not be less than rupees three lakh" shall be substituted.

Amendment of the First Schedule.

#### CHAPTER VIII

##### MISCELLANEOUS

**12.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

Act to have  
overriding  
effect.

Power to  
make rules.

**13.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

**14. (1)** The Central Government may, by notification in the Gazette of India, make rules for carrying out the purpose of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

#### STATEMENT OF OBJECTS AND REASONS

It is perturbing that there are certain forms of violence against women which emanate from the medieval mindset of subjugation of women and still continues. One manifestation of this mindset is incidents of acid attacks on women.

Though acid attack is a crime which can be committed against any man or women, it has a specific gender dimension in India. Most of the reported acid attacks have been committed on women, particularly young women for spurning suitors, for rejecting proposals of marriage. Recently, there was a report in media of acid attack by husband on his wife.

Until 2013, there was no clear mechanism to ascertain the number of cases involving acid attacks since the Indian Penal Code, 1860 did not recognise it as a separate offence. The offence of acid attack was being dealt with under various sections of the Indian Penal Code (IPC) and only estimates of figures of such attacks were available. The Criminal Law (Amendment) Act, 2013 inserted new sections 326A and 326B in the Indian Penal Code and made specific offences of hurt by use of acid.

Though cases of acid attacks on women have been witnessed for decades, the need to address the legislative framework underlying the offence of acid attack was emphasised by the Supreme Court in *Laxmi versus Union of India*. In this case, the court issued directions *inter alia* regarding compensation to acid attack victims, effective regulation of sale of acid, and free treatment of victims. Some of these guidelines have been incorporated in law. Still, there is little clarity on issues such as penal provisions against dealers making unregulated sales of acid, adequacy of the amount of compensation of victims, their status as persons with disabilities, etc.

The Bill, with a view to facilitate rehabilitation of victims of acid attack *inter alia* provides for—

- (i) classification of acid on the basis of its intensity and concentration and to prevent sale of acid of higher concentration for day-to-day purposes;
- (ii) prohibition of sale of acid without verifying identity of the buyer and the purpose of its use;
- (iii) maintenance of proper records of stock, sales, supply, etc. of acid by dealers;
- (iv) making unregulated sale of acid an offence punishable with six months imprisonment and fine;
- (v) treatment of acid attack victims as persons with disabilities for the purposes of extending benefits under various schemes of the Governments, including employment under the Central Government, State Governments or bodies thereunder;
- (vi) increasing the maximum quantum of punishment for acid attack under section 326B of the Indian Penal Code, 1860 to imprisonment for ten years;
- (vii) stipulating the minimum amount of compensation for acid attack victims as ten lakh in cases of grievous hurt and three lakh in other cases or such higher amount as may be specified;
- (viii) constitution of a Board to take rehabilitation and welfare measures for the victims of acid attack; and
- (ix) inclusion of reconstructive cosmetic surgeries and psychological counseling to victims as part of medical treatment in case of acid attack.

The Bill seeks to achieve the above objectives.

Hence this Bill.

#### FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for constitution of a Board to take appropriate and various other rehabilitation and welfare measures for the victims of acid attack including payment of compensation to the victims. Clause 6 provides for employment or facilities for self-employment to the victims of acid attack. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. At this stage, it is not possible to give an estimate of recurring or non-recurring expenditure involved since it would depend upon the number of eligible acid attack victims. However, it is estimated that a recurring expenditure of one hundred crore is likely to be involved per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the matters in respect of which rules may be made are matters of procedure and details only and it is not practicable to provide for them in the Bill itself the delegation of legislative power is, therefore, of a normal character.

## BILL NO. 166 OF 2018

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Constitution (Amendment) Act, 2018.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2.** After article 21A of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 21B.

“21B. (1) The State shall provide health protection to all citizens in such manner as the State may, by law, determine.

Right to Health.

(2) The right to health protection under sub-section (1) shall include—

- (a) prevention, treatment and control of diseases;
- (b) access to essential medicines;
- (c) maternal, child and reproductive health;
- (d) access to basic health services;
- (e) access to emergency medical treatment; and
- (f) access to mental healthcare:

Provided that the State shall earmark not less than eight per cent. of its annual estimated receipts for healthcare.”.

#### STATEMENT OF OBJECTS AND REASONS

Article 47 of the Constitution makes it a duty of the State to raise the level of nutrition and the standard of living and to improve public health. However, the current status of healthcare in India reflects that further measures are required to be taken by the State to assure health to all citizens of the State.

The Government expenditure on health is only 1.4 per cent. of Gross Domestic Product (GDP) and the public health infrastructure is inadequate and unequally distributed. The Draft National Health Policy, 2015 takes note of the fact that over 63 million persons are faced with poverty every year due to healthcare costs alone as there is no financial protection for the vast majority of healthcare needs. According to Sample Registration System (SRS) 2013, 1.26 million children under the age of five are estimated to die in our country every year due to preventable diseases.

Thus, due to lack of enforceability of Directive Principles, right to health remains unenforceable for citizens. However, the Supreme Court in *Paschim Banga Khet mazdoor Samity & ors V. State of West Bengal & ors*, while widening the scope of article 21 held that providing adequate medical facilities for the citizens is an obligation of the Government in a welfare State. The right to health is also internationally recognised as a fundamental human right. In 1946, the World Health Organisation stated in its Constitution that "the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition". This right is also included in the Universal Declaration of Human rights and in the International Covenant on Economic, Social and Cultural rights, to which India is a signatory.

The initial Draft of National Health Policy, 2017 declared that Right to Health shall be guaranteed as an enforceable fundamental right under the Constitution in order to empower the citizens to hold the State accountable for it. The National Health Policy, 2017 requires the States to spend at least 8 per cent. of their Annual Budget on Healthcare.

Therefore, it is essential to amend the constitution with a view to make right to health a fundamental right of the citizens.

Hence this Bill.

NEW DELHI;  
January 23, 2018.

NISHIKANT DUBEY

#### FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for making the right to health protection a fundamental right. It also provides that the State shall earmark not less than eight per cent. of its annual budget on healthcare. The Bill, if enacted, would involve expenditure both recurring and non-recurring from the Consolidated Fund of India. However, it is not possible to assess the actual financial expenditure likely to be incurred at this stage.

## BILL NO. 161 OF 2018

*A Bill to provide for making teaching of vedic education compulsory in educational institutions and for matters connected therewith or incidental thereto.*

Be it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Short title,  
extent and  
commencement.

**1. (I)** This Act may be called the Vedic Education (Compulsory Teaching in Educational Institutions) Act, 2018.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the commencement of that provision.

Definitions.

**2.** In this Act, unless the context otherwise requires,

(a) "appropriate Government" means,—

- (i) the Central Government in the case of educational institutions run by the Central Government; and
- (ii) in all other cases, the State Government;
- (b) "Council" means the Vedic Education Council established under section 4;
- (c) "educational institution" means an institution imparting education to children upto the level of secondary education but does not include a minority educational institution;
- (d) "prescribed" means prescribed by rules made under this Act; and
- (e) "vedic education" means education in principles and ideals underlying vedic literature, vedic philosophy and vedic life, which are non-religious in character.

**3.** Vedic education as recommended by the Council shall be taught as a compulsory subject in all educational institutions in such form and manner as may be prescribed.

Compulsory teaching of vedic education in educational institutions.

**4. (1)** The Central Government shall, by notification in the Official Gazette, constitute, with effect from such date as may be specified in the notification, a Council to be known as the Vedic Education Council.

Constitution of Vedic Education Council.

(2) The Council shall consist of such number of members, having special knowledge or experience in the fields of history, education or vedic studies, as may be prescribed.

(3) The Central Government may appoint such number of officers and staff as may be required for effective functioning of the Council.

(4) The salary and other allowances payable to, and other terms and conditions of service of, the members and officers and staff of the Council shall be such as may be prescribed from time to time.'

**5. The Council shall—**

Functions of the Council.

(1) to make recommendations to the appropriate Government on the curriculum for vedic education for each class;

(2) make recommendations to the appropriate Government regarding the class or category of students or educational institutions which shall be exempted from the provisions of this Act;

(3) prescribe to the appropriate Government the principles and standards to be observed for granting accreditation to institutions imparting training to teachers of vedic education;

(4) advise the appropriate Government on imposition of penalty under section 7 of the Act.

**6.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the Council for carrying out the purposes of this Act.

Central Government to provide funds.

**7.** Where an educational institution fails to comply with the provisions of section 3 of this Act, then for the first failure, it shall be liable to a fine which may extend upto five lakh rupees and for successive failures, to a fine which may extend upto ten lakh rupees or de-recognition of the educational institution or both:

Penalty.

Provided that no penalty under this section shall be imposed on any educational institution unless a reasonable opportunity of being heard has been provided to such institution:

Provided further that no penalty under this section shall be imposed except on the recommendation of the Vedic Education Council.

Act to have overriding effect.

Removal of Difficulties.

Power to make rules.

**8.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

**9. (1)** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this section after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

**10. (1)** The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

#### STATEMENT OF OBJECTS AND REASONS

The Vedic period is considered among the most glorious periods in Indian history. This was a period when civilisation grew and flourished socially, culturally, educationally and spiritually. The richness of vedic culture is so clearly evident in vedic literature - the Vedas being the most prominent among them. It is not surprising that the vedic philosophy enshrined in this literature pervaded all walks of vedic life. A grave misconception that has subsisted over centuries is that vedic literature is predominantly religious in character. On the contrary, Vedas are eternal and their appeal is universal since they transcend all religions. In fact, the essence or core of all religions, where they all agree, is the true vedic religion.

Vedas talk about equality, universal brotherhood, harmonious development of life and a rational thinking. The essence of vedic knowledge, therefore, lies in those philosophical aspects that teach people to lead a life to its perfection. This is exactly what was sought to be achieved by imparting education in gurukuls.

Unlike the modern education, which is largely academic in nature, vedic education was more comprehensive in nature. It was not intended just to ensure employability of the pupils. Rather, it aimed at formation of individual character and inculcation of a sense of righteousness, self-control and discipline. Towards this end, vedic education touched all aspects of human life — from physical development to sublimation of instincts, commitment to motherland and indebtedness to mother earth.

Considering the relevance of these objectives in the present age and the contribution vedic education can make towards the objective of creating a responsible citizenry, the Bill provides:—

- (i) compulsory vedic education of non-religious character in educational institutions;
- (ii) establishment of a Vedic Education Council for this purpose;
- (iii) imposition of pecuniary penalty or derecognition for failure to comply with the provisions of the Bill; and
- (iv) empowering the Vedic Education Council to recommend which class or category of students or educational institutions shall be exempt from the provisions of the Bill.

The Bill seeks to achieve the above objects.

NEW DELHI;

*January 23, 2018.*

NISHIKANT DUBEY

#### FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for constitution of the Vedic Education Council consisting of such number of members as may be prescribed and for salary and other allowances payable to its members, officers and staff. Clause 6 provides for making available adequate funds to the Council by the Central Government for carrying out the purposes of the Bill. The Bill, therefore, would involve expenditure out of the Consolidated Fund of India. It is estimated that a recurring expenditure of fifteen crore rupees per annum will be incurred out of the Consolidated Fund of India for the purpose of the Bill.

A non-recurring expenditure of about rupees two crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of details only. The delegation of legislature power is of a normal character.

## BILL No. 120 OF 2018

*A Bill to constitute an Authority to ensure stabilization of population of cows (*Bos indicus*) and to suggest such measures to comply with articles 37 and 48 of the Constitution, to ban the slaughter of cows and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

**1. (1)** This Act may be called the Cow Protection Act, 2018.

Short title,  
extent and  
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2.** In this Act, unless the context otherwise requires,—

Definitions.

(a) "Authority" means the National Cow Protection Authority constituted under section 3;

(b) "cow protection" means total ban in any form of injury or slaughter or enforced starvation of the breed of Indian cow (*Bos Indicus*);

(c) "Gowshalas" means health compliant hygienic comfortable shelters for Indian cow; and

(d) "prescribed" means prescribed by the rules made under this Act.

Constitution  
of National  
Cow  
Protection  
Authority.

**3.** (1) With effect from such date as the Central Government may, by notification, appoint, there shall be constituted, for the purposes of this Act, an Authority, to be known as the National Cow Protection Authority consisting of the following members, namely,—

(a) Secretary, Department of Animal Husbandry in the Ministry of Agriculture-Chairperson, ex-officio; and

(b) five persons of eminence in the fields of agricultural economics, animal welfare and ancient Indian history or culture—Members.

(2) The Central Government shall appoint such number of officers and staff as it considers necessary for the function of the Authority.

(3) The salary and allowances payable to and other terms of conditions of service of members, officers and staff of the Authority shall be such as may be prescribed.

Meetings of  
the Authority.

**4.** The Authority shall meet at such time and place and shall observe such rules of procedure with regard to transaction of business at its meetings as may be prescribed by the Central Government.

Functions of  
the Authority.

**5.** (1) The Authority shall discharge such functions as may be necessary to ensure stabilization of the cow population in the country and formulate a comprehensive policy for the purpose within one year after its constitution.

(2) Without prejudice to the provisions contained in sub-section (1), the functions of the Authority shall include—

(a) undertaking of a baseline study to collect data about cow population and to formulate a Qualitative Cow Dignity Index (CDI) as may be prescribed which shall be completed within one year of setting up of the Authority;

(b) formulation of schemes to provide for healthy *Bos Indicus* cows and calves;

(c) providing funds to help incentivise adoption of cow and setting up Gowshala;

(d) making recommendation to the Central Government, deterrent penalties including death penalty, to those who commit offences against cows and not follow the policies framed by the Authority;

(e) framing syllabus for awareness about importance of cow protection and development all over the country; and

(f) conducting awareness campaigns about medical imperatives for improving health of *Bos Indicus* cows and progeny.

Annual  
Report and its  
laying before  
Parliament.

**6.** (1) The Authority shall prepare once every year an annual report in such form, as may be prescribed, giving the summary of its activities, including schemes it has undertaken and recommended to the Government during the previous year and statements of annual accounts of the Authority.

(2) A copy of the Report shall be forwarded to the Central Government and the Central Government shall lay the Report before each House of Parliament as soon as it is received and shall also lay the action taken thereon within a period of three months from the date of receipt of the report.

Central  
Government  
to provide  
Funds.

**7.** The Central Government shall, from time to time, provide after due appropriation made by Parliament by law in this behalf, requisite funds for carrying out the purposes of this Act.

Prosecution  
for offences.

**8.** The Central Government shall on the recommendation of the Authority prosecute any person within the framework of the Code of Criminal Procedure 1973 on commuting any offence prescribed by law.

**9.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government, in consultation with the State Governments, may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of any difficulty:

Power to remove difficulty.

Provided that no such order shall be made after the expiry of three years from the date of commencement of this Act.

**10. (1)** The Central Government, in consultation with the State Governments, may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament or, as the case may be, each House of the State Legislature, while it is in session, for a total period of thirty days which may be comprised in one session or two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive, sessions aforesaid, Parliament or, as the case may be, the State Legislature agrees in making any modification in the rule or agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

#### STATEMENT OF OBJECTS AND REASONS

Article 48 of the Constitution enjoins on the State to organize agricultural and animal husbandry on modern and scientific lines and in particular to take steps for preserving and improving the breeds and prohibiting the slaughter of cow and its progeny. Article 37 provides *inter-alia* that the State shall apply these principles (Directive Principles) in making laws. It is, therefore, proposed to enact a uniform central law to constitute an Authority to ensure stabilization of the cow population in the country and to ban the slaughter of cows.

The salient features of the Bill are—

- (i) total ban in any form of injury or slaughter or enforced starvation of the breed of Indian cow (*Bos Indicus*);
- (ii) provision of funds to help incentivise adoption of cow and setting up Gowshalas; and
- (iii) constitution of the National Cow Protection Authority to formulate a comprehensive policy for the stabilization of the cow population within one year after its constitution.

Hence this Bill.

NEW DELHI;

NISHIKANT DUBEY

*July 2, 2018.*

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of the National Cow Protection Authority and appointment of officers and staff for this authority. Clause 7 requires the Central Government to provide, requisite funds for carrying out the purposes of this legislation. The Bill, if enacted, will involve expenditure, recurring and non-recurring, from the Consolidated Fund of India. However, it is not possible to assess the actual financial expenditure which is likely to be incurred at this stage.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of details only, the delegation of legislative powers is of a normal character.

## BILL NO. 131 OF 2018

*A Bill to provide for compulsory protection of witnesses and victims of crimes by the State who are intimidated, harassed, physically attacked mostly by various means or of their family members or their near and dear ones by the accused of crimes or by their accomplices or friends or relatives or co-accused or sympathizers committed either directly against the victims or against their family members or their near and dear ones and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

- Short title,  
extent and  
commencement.
- 1. (1)** This Act may be called the Compulsory Protection of Witnesses and Victims of Crimes Act, 2018.
  - (2)** It extends to the whole of India.
  - (3)** It shall come into force with immediate effect.

**2.** In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "concealing of the identity of witness" means any condition prohibiting publication or revealing, in any manner whatsoever, directly or indirectly of the name, address and other particulars relating to witness which may lead to the identification of the witness of a crime;

(c) "family member" includes parents, spouse, siblings, children and grandchildren including legally adopted ones of the witness or victim of a crime;

(d) "in-camera proceedings" mean proceedings wherein the public and press are not allowed to witness the proceeding;

(e) "near and dear ones" include the relatives, in-laws, friends, etc.;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "threat analysis report" means a detailed report prepared by designated police officers of the District or the unit investigating the case reflecting the seriousness and credibility of the threat perception to a witness or victim, as the case may be, or his family members or near or dear ones containing specific details about the nature and seriousness of threats faced by the witness or victim or his family members or near and dear ones to their life, reputation or property;

(h) "victim" means a person who is harmed physically or robbed or cheated as a result of a crime;

(i) "witness" means any person who possesses information or document about any crime regarded by any Court of law as being material to any criminal proceedings and who has made a statement or who has given or agreed to give evidence in relation to such proceedings;

(j) "witness or victim protection application" means an application moved by the witness or the victim, as the case may be, in the prescribed form before the competent court of law for seeking witness or victim protection order;

(k) "witness or victim protection order" means an order passed by the competent court of law detailing the steps to be taken by the local police for ensuring safety of life, reputation or property of the victim or witness, and his family members, near and dear ones and shall include interim order, if any, passed during the pendency of witness or victim protection application.

**3. (1)** The appropriate Government shall provide compulsory protection to the witness or the victim, as the case may be, who is intimidated, harassed, physically attacked by arms or otherwise, or his kidnapping or of his near and dear ones by the accused of crime or by his accomplices or friends or relatives or co-accused or sympathizer, committed either directly against the witness or the victim or against their family members or near and dear ones whenever a request is made to the appropriate Government by either the witness or victim, as the case may be, or by their family member or near and dear one.

Compulsory protection of witness or the victim of crime.

(2) The appropriate Government shall take the necessary measures for providing protection to witness under this act.

(3) Without prejudice to the generality of the foregoing provisions the measures shall include,—

(a) procedure of availing protection from the State;

(b) concealment of the identity of the witness;

(c) avoidance of face to face contact between the witness or the victim, as the case may be, and the accused;

(d) compulsory in-camera proceedings so as to protect the identity of the witness;

(e) monitoring of the calls and mails of the witness or the victim, as the case may be, and providing him with an unlisted number;

(f) installation of security devices like closed circuit television alarms, or any other such devices at the place of residence or office of the witness or victim, as the case may be.

(g) undertaking any other measure issued under the witness or victim protection order to ensure safety of the witness or victim, as the case may be.

**4. (1)** During the course of investigation of an offence, the witness of the offence or victim thereof may apply for protection order at the court in which the proceedings are being heard in such manner as may be prescribed;

(2) The Court shall, upon receipt of an application under sub-section (1), call for the threat analysis report and shall, upon receipt of the report, evaluate the threat to the life, reputation or property of the witness or victim, as the case may be, or his family members or near or dear ones or any other person, which it deemed fit, to ascertain whether there is necessity to pass a witness or victim protection order or not.

(3) The threat analysis report shall be submitted within seventy-two hours of the receipt of the application.

(4) During the course of hearing of the application, the identity of the witness shall not be revealed to any other person.

(5) The National or State Legal Service Authority constituted under the Legal Services Authorities Act, 1987 shall provide legal aid to the applicant free of cost.

**5.** Notwithstanding anything contained in any other law for the time being in force the National Legal Services Authority shall coordinate and frame policies for effective implementation of the provisions of this Act and rules made thereunder.

**6.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Act.

**7. (1)** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

**8.** The provisions of this Act shall in addition to and not in derogation of any other law, for the time being in force.

**9. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty

Process of  
availing  
protection.

National legal  
Services  
Authority to  
coordinate  
and frame  
policies for  
implementation  
of the act.

Central  
Government  
to provide  
funds.

Power to  
remove  
difficulty.

Act to  
supplement  
other laws.

Power to  
make Rules.

days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session immediately following the session or successive sessions aforesaid both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule.

#### STATEMENT OF OBJECTS AND REASONS

These days people who are witness to crimes do not come forward to depose before the court of law because they fear for their lives, property or reputation and similar fear is felt for their family members and near and dear ones. It is also true that the criminals in particular the hardened ones and organized criminals first of all target the witnesses and victims, their family members, near and dear ones with intimidation, harassment, attacks with arms, acid etc., so that they do not come forward to give evidence in the court due to fear factor. The victims of crimes are threatened to withdraw the case or face the consequences. In most of rape cases and murders it is happening. Many a times the victim or witnesses have been attacked and even murdered. Acid throwing on rape victims is very common. As such in the absence of reliable evidence the criminals go scot free which becomes a morale booster for them to become hardened criminals. Unfortunately of late organised crime has grown and is becoming stronger and more diverse.

It is also true that in the course of investigation and prosecution of crime, in particular the most serious and complex forms of organized crime and heinous crimes like murder, rape, act of terrorism or violence it is essential that the witnesses, the cornerstones for successful investigation and prosecution must have trust in criminal justice system. They need to have confidence to come forward to assist law enforcement and prosecutorial authorities. Similar is the case of victims of crimes. In fact the witnesses as well as victims of crimes have to be assured that they will receive State support and protection from intimidation and the harm that criminal or criminal groups may seek to inflict upon them or upon the family members or near or dear ones in an attempt to discourage or punish them. The apex court has also emphasized on the need of legislative measures for the protection of victims and witnesses which has to be implemented in letter and spirit.

Hence this Bill.

NEW DELHI;  
*July 2, 2018.*

NISHIKANT DUBEY

#### FINANCIAL MEMORANDUM

Sub-clause (2) (f) of clause 3 of the Bill provides for installation of security devices like Closed Circuit Television (CCTV) alarms etc. at the residence or office of the witness or the victim of a crime. Sub clause (5) of clause 4 provides that the National or State Legal Services Authority shall provide legal aid to the applicant free of cost. Clause 6 makes it mandatory for the Central Government to provide requisite funds for carrying out the purposes of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of rupees ten thousand crore per annum. No non-recurring expenditure is likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill, gives power to the Central Government to make rules for carrying out the purposes of the Bill. Since, the rules will relate to matters of details only, the delegation of legislative power is of normal character.

## BILL No. 149 OF 2017

*A Bill further to amend The Code of Criminal Procedure, 1973.*

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title and commencement.

**1. (1)** This Act may be called the Code of Criminal Procedure (Amendment) Act, 2017.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 41.

**2.** In section 41 of the Code of Criminal Procedure, 1973, after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) Notwithstanding anything in clause (b) of sub-section (1), no person, against whom credible information regarding commission of an offence punishable under section 498A of the Indian Penal Code, 1860 has been received, shall be arrested unless it can be adduced from the credible information that an aggravated form of cruelty as defined under clause (a) of *Explanation* to section 498A of that Code has been committed by that person:

Provided that the police officer shall, prior to arrest of a person, take reasonable steps for reconciliation between the parties and await the outcome of the steps taken for a period of thirty days.".

2 of 1974.

45 of 1860.

#### STATEMENT OF OBJECTS AND REASONS

Section 41 of the Code of Criminal Procedure, 1973 (Cr. P.C.) provides for conditions and restrictions for arresting a person without an order from the Magistrate and without a warrant. However, in case of offences punishable under section 498A of the Indian Penal Code, 1860 (IPC) dealing with 'cruelty by husband or relatives of husband', it is not easy to satisfy the provisions of section 41 of Cr. P.C. Therefore, section 41 of Cr. P.C. is invoked time and again erroneously to arrest a person guilty of an offence punishable under section 498A of the I.P.C. As no hard and fast rule can be laid down for exercise of power under section 41 of Cr. P.C., it is suggestive that a balanced and sensitive approach should be taken by the police officer prior to arrest of a person. The idea is not to dilute the importance of protection of the life and liberty of women but to ensure a fair chance to the other party as well. The Law Commission of India in its 243rd Report has already made recommendations which can go a long way in preventing the alleged misuse of section 498A of the Indian Penal Code, 1860.

The Bill, therefore, seeks to amend section 41 of Code of Criminal Procedure, 1973 (Cr. P.C.) with a view to put restriction on the arrest of a person guilty of committing an offence of cruelty to a woman under section 498A of Indian Penal Code, 1860 unless the credible information received by the police officer proves the same.

Hence this Bill.

NEW DELHI;  
*July 5, 2017.*

SANJAY JAISWAL

**BILL No. 147 OF 2017**

*A Bill further to amend the Indian Penal Code, 1860.*

BE it enacted by the Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title and commencement.

**1. (I)** This Act may be called the Indian Penal Code (Amendment) Act, 2017.

(2) It shall come into force on such date as the Central Government may, by notification, in the Official Gazette, appoint.

Amendment of section 358.

**2.** In section 358 of the Indian Penal Code, 1860, for the words “for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both”, the words “for a term which may extend to one year, and with fine which may extend to twenty lakh rupees” shall be substituted.

45 of 1860.

#### STATEMENT OF OBJECTS AND REASONS

Section 358 of Indian Penal Code, 1860 provides for punishment for assault or use of criminal force to any person on grave and sudden provocation given by that person. The said section intends to put a check on the misuse of the exemption of ‘grave and sudden provocation’ provided under the Code by the person assaulting or using criminal force on the person who gave him the provocation. However, in the recent times it has been observed that owing to the meagre punishment provided under section 358 it is being misused for the personal interest.

The Bill, therefore, seeks to amend section 358 of the Indian Penal Code, 1860 with a view to put a check on the misuse of the safeguard provided under the section for assault or using criminal force on the person causing grave and sudden provocation.

Hence this Bill.

NEW DELHI;  
*July 4, 2017.*

SANJAY JAISWAL

## BILL NO. 211 OF 2018

*A Bill to establish an Employees' Welfare Authority to confer the right on every employee to disconnect from work related telephone calls and emails beyond work hours and on holidays and right to refuse to answer calls and emails outside work hours and for all matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Short title,  
extent and  
commencement.

- 1. (1)** This Act may be called the Right to Disconnect Act, 2018.
- (2)** It extends to the whole of India.
- (3)** It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

**2.** In this Act, unless the context otherwise requires,—

Definitions

(a) “annual report” means a report giving the details of developmental activities taken up over the year by the Authority and detailing about targets set and achieved;

(b) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

(c) “Authority” means the Employees’ Welfare Authority constituted under section 3;

(d) “company” means an entity registered under the Companies Act, of 2013;

(e) “Out-of-work hours” means the time other than which is agreed upon, between the employer and employee, in the work contract as the work hours;

(f) “society” means an entity registered as society under the Societies Registration Act, of 1860; and

(g) “prescribed” means prescribed by the rules made under this Act.

**3. (1)** With effect from such date as the Central Government may, by notification, appoint, there shall be constituted, for the purposes of this Act, an Authority, to be known as the Employees’ Welfare Authority consisting of the following members, namely:—

Constitution  
of the  
Employees’  
Welfare  
Authority.

(a) Minister of State, Ministry of Electronics and Information Technology—Chairperson ex-officio;

(b) Minister of State, Ministry of Communication—Vice-Chairperson ex-officio;

(c) Minister of State, Ministry of Labour and Employment—Vice Chairperson ex-officio;

(d) Secretaries of the Union Ministries of Electronics and Information Technology, Communication, Labour and Employment and Statistics and Programme Implementation—member ex-officio;

(e) Chief Labour Commissioner—member ex-officio;

(f) Director General, Labour Bureau—member ex-officio;

(2) The Central Government shall appoint such number of officers and staff as it considers necessary for the functioning of the Authority.

(3) The salary and allowances payable to and other terms and conditions of services of officers and staff of the Authority shall be such, as may be prescribed.

Meetings of  
the Authority.

**4. (1)** The Authority shall meet at such times and places and shall observe such rules of procedure in regard to transaction of business at its meetings as may be prescribed by the Central Government.

(2) The expenditure incurred to attend meetings by the members referred to in sub-clauses (a) to (f) of section 3, shall be borne by the Ministry concerned.

Functions of  
the Authority.

**5. (1)** The Authority shall discharge such functions as may be necessary to ensure the welfare of employees in the country and formulate a charter that outlines the terms and conditions to be negotiated between employees and employers of a company or society, within one year from the date of its constitution.

(2) The Authority shall disseminate any necessary knowledge and information collected on the use of digital and communication tools, to the State Governments, to be disseminated to the companies and societies.

(3) The rights and benefits bestowed on employees, prescribed in this Act, shall be in addition to those already enjoyed by them under different ongoing Government employee welfare schemes.

Baseline study to collect data.

**6. (1)** The Authority shall undertake a baseline study to collect comprehensive data about usage of digital and communication tools outside work hours and in personal life by all workers either employed in a company or society, which shall be completed within one year from the date of its constitution.

(2) The Authority may direct the appropriate Government, societies and companies to assist in conducting the baseline study.

**7. Every employee shall have the right to disconnect out of work hours.**

*Explanation.—*For the purpose of this section:—

(a) 'right to disconnect' means that while the employer may contact the worker after work hours, the employee is not obliged to reply or shall have right to refuse to answer such calls; and

(b) In case an employee refuses to reply any call during out-of-work hours, such employee shall not be subject to any disciplinary action by the employer.

**8. (1)** The Authority shall direct every individual, company and society having more than ten employees to conduct negotiations with employees, unions or employee representatives to decide the terms and conditions for working out-of-work hours:

Provided that the right to disconnect rules and protocols shall be negotiated at the level of individual company or society taking into consideration the diverse work cultures of different entities and their competitive needs.

(2) The individual registered entity (company or society) shall produce its own Charter detailing clarification on the out-of-work hours, service conditions of employees and the respective demands of the employers.

**9. (1)** The Charter of individual entity made under sub-section (2) of section 8 shall identify on an individual basis, as to when an employee be contacted during out-of-work hours and holidays which are arrived at through negotiations and mutual agreement of employer and employee.

(2) Every employee shall be entitled to right to disconnect, when contacted for work related purpose during time other than that agreed upon under sub-sections (1) and (2).

**10.** An employer may contact any employee either through telecom, videocall, message, email in other form of communication out-of-work hours, during the time mutually agreed upon by such employee and employers.

**11.** Every employee working during out-of-work hours mutually agreed, shall be entitled to overtime at the normal wage rate.

**12.** Every registered company and society shall constitute a Employees' Welfare Committees consisting of its employees to assist or represent the employees for negotiation of terms and conditions of out-of-work hours with employers.

**13.** The appropriate Government shall ensure that the negotiations for conditions of outside-work-hours, between employees and employer are conducted at regular intervals, to ensure flexibility in the rules of right to disconnect.

Right to disconnect of employees.

Drafting of customised Charter by individual companies and societies.

Charter to be included in the Charter of individual entities.

Contact via call, message and email, etc.

Overtime pay for working outside work hours.

Employees Welfare Committees of individual entities.

Negotiations to be conducted at frequent intervals.

**14.** The Charter of the individual entity shall explicitly mention normal the out-of-work hours to be followed until an agreement is reached between the employer and its employees:

In case of agreement not reached.

Provided that if any employer contacts his employee during the period when there is no mutually agreed out-of-work period, the employee, during out of work hours,—

(a) shall not be obliged to respond and shall have right to disconnect; or

(b) may choose to respond, for which he shall be entitled to get overtime pay in such manner as may be prescribed.

**15.** Every individual registered entity, company or society, shall frame a policy for its employees who are working in remote areas or, involved in teleworking or working from home, such policy has to be mutually agreed by employees.

Policy for employees working remotely.

**16.** Every individual registered entity, company or society, shall undertake awareness programmes to sensitive its employees, on reasonable use of digital and communication tools, for work related purposes, during travel and teleworking.

Awareness increasing activities by entities.

**17.** The appropriate Government shall, in consultation with the individual entities, provide counseling services to employees to help them maintain work-life balance.

Counseling for work-life balance.

**18.** The appropriate Government shall set up digital detox centres and provide digital detox counseling services to citizens for reasonable personal use of digital and communication tools.

Digital Detox Centres.

**19.** Every individual entity shall pay penalty at the rate of one per cent of total employees' remuneration for,—

Penalty to be paid by the entity for non-compliance with the provisions of the Bill.

(a) any out-of-work service condition not defined in the Charter made under section 9;

(b) any out-of-work service condition not defined in the policy for employees working remotely under section 15; and

(c) any non-adherence to any of the provisions of this Act.

Annual report and its laying before the Parliament.

**20. (1)** The Authority shall prepare once every year, as may be prescribed, an annual report giving the summary of its activities, including schemes it has undertaken and recommended to the Government over the year and it shall contain statements of annual accounts of the Authority.

(2) A copy of the report shall be forwarded to the Central Government, and the Central Government shall lay the report before each House of Parliament.

**21.** The Central Government, shall from time to time after due appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Act.

Central Government to provide funds.

**22. (1)** If any difficulty arises in giving effect to the provisions of this Act, the Central Government, in consultation with the State Governments, may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of any difficulty:

Power to remove difficulty.

Provided that no order shall be made under this section after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

**23.(1)** The Central Government, in consultation with the State Governments, may be notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the

expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

### STATEMENT OF OBJECTS AND REASONS

With the advent of digital and communication technology, an average worker can work directly from his smart-phone. According to the report released by the World Economic Forum, the proportion of mobile workers who could work from any location, is expected to rise beyond seventy per cent. While this has benefits in terms of work flexibility, it also carries with it a significant risk of erosion of boundaries between professional and personal life. Studies have found that if an employee is expected to be available round the clock, they tend to exhibit risks of over-work like sleep deprivation, developing stress and being emotionally exhausted. This persistent urge to respond to calls and e-mails (termed as 'telepressure'), constant checking of e-mails throughout the day, and even on weekends and holidays, is reported to have destroyed the work-life balance of employees.

According to a study, the constant monitoring of work related messages and e-mails, may over tax employees' brains leading to a condition called 'info-obesity'. The condition is characterised by stress, burnouts and sleeplessness. Studies show that when employees are overburdened with work, either their productivity stays constant or even reduces with increase in work hours. In the year 2014, a study conducted by the University of Stanford found that the output and productivity of employees plateaued off after fifty work hours per week. In fact, workers' productivity declined when they were over burdened with sixty work hours per week. Research depicts that employees who respond to work related calls and mails after 9 pm, had the worst quality of sleep which consequently had a bearing on their productivity. The need is to respect the personal space of the employees by recognising their right to disconnect and not respond to their employer's calls, e-mails etc., during out-of-work hours. The need is also to recognise the rights of the employees, it also takes into consideration the competitive needs of the companies and their diverse work cultures. Flexibility in the right to disconnect rules and leaves it to the individual companies to negotiate terms of service with their employees is need of the hour.

The digital transformation has direct impact on conditions in the employment contract, like the time and the place of work. Hence if an employee agrees to work during out-of-work hours, overtime pay at the same rate as his wage rate is also necessary to check the surge in unpaid overtime work, brought about by digital transformation.

Cases of lack of consensus between employer and employee during negotiations needs to be addressed. In such cases the company is required to explicitly lay out their out-of-work demands from their employees, in the Charter, and the employees can either choose to work or enforce their right to disconnect. The companies shall be mandated to draft their own policy towards employees working remotely, tele-working and travelling for work. The Constitution of Employees' Welfare Committees at every company to assist the employees in negotiations with employers is also required. Provision to ensure that these negotiations are held frequently at regular interval, to keep in line with the dynamic business demands are to be incorporated. The present Bill imposes sanctions at the rate of one per cent of its total employees' remuneration, on entities (companies or societies) for any non-compliance with the provisions of the Bill. To rein in the adverse effects of hyper-connectivity on employees' personal life, the Bill also provides for counseling services to increase awareness among employees and citizens, on reasonable use of digital and communication tools, for professional and personal use.

To free an employee from digital distractions and enable him to truly connect with the people around him, the Bill provides for digital detox centres. The Bill thus champions for the rights and welfare of employees, by mandating individual entities to negotiate out-of-hour service conditions with their employees, and upholding the right of employee to disconnect.

The Bill seeks to recognise right to disconnect as a way to reduce stress and ease tension between an employees personal and professional life.

Hence this Bill.

NEW DELHI;  
*November 22, 2018.*

SUPRIYA SULE

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of Employees Welfares Authority. Clause 4 provides for expenditure incurred in conducting meetings of the Authority. Clause 5 provides for the various functions of the Authority. Clause 17 provides for counseling services for maintaining work-life balance. Clause 18 provide for setting up digital detox centres. Clause 21 provides for requisite funds for carrying out the functions of this Act. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of a rupees one thousand crore would be involved as recurring expenditure per annum.

A non-recurring expenditure of rupees one thousand crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 23 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 213 OF 2018

*A Bill to establish a Tuberculosis Prevention Authority for prevention and complete eradication of tuberculosis and for all matters connected therewith and incidental thereto.*

WHEREAS India ratified the World Health Organisation Framework Convention on Tobacco Control in 2005,

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Short title,  
extent and  
commencement.

**1. (1)** This Act may be called the Tuberculosis (Prevention and Eradication) Act, 2018.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

**2.** In this Act, unless the context otherwise requires,—

(a) "annual report" means a report giving the details of developmental activities taken up over the year by the Authority and detailing about targets set and achieved;

(b) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government.

18 of 2013.

21 of 1860.

(c) "Authority" means the Tuberculosis Prevention Authority constituted under section 3;

(d) "company" means an entity registered under the Companies Act, 2013;

(e) "prescribed" means prescribed by the rules made under this Act;

(f) "tuberculosis" means an infectious disease caused by a bacterium, *Mycobacterium Tuberculosis* that is spread through the air; and

(g) "society" means an entity registered as society under the Societies Registration Act, 1860.

**3. (1)** With effect from such date as the Central Government may, by notification in the Official Gazette specify, there shall be constituted an Authority to be known as the Tuberculosis Prevention Authority for carrying out the purposes of this Act.

(2) The Authority consist of,—

(a) Minister of State, Union Ministry of Health and Family Welfare—Chairperson, *ex officio*;

(b) Minister of State, Union Ministry of Women and Child Development—Vice-Chairperson, *ex officio*;

(c) Director General of Health Services, Union Ministry of Health and Family Welfare—member, *ex-officio*;

(d) Secretaries of the Union Ministries of Women and Child Development, Health and Family Welfare and Statistics and Programme Implementation—members, *ex officio*;

(e) Chairperson, National Commission for Women—member, *ex-officio*; and

(f) Director, National Institute of Health and Family Welfare—member, *ex-officio*.

(2) The Central Government shall appoint such number of officers and staff as it considers necessary for the functioning of the Authority.

(3) The salary, allowances and terms of conditions of services of officers and staff of the authority shall be such, as may be prescribed.

**4. (1)** The Authority shall meet at such times and places and shall observe such rules of procedure in regard to transaction of business at its meetings as may be prescribed by the Central Government.

(2) The expenditure incurred to attend meetings by the Members referred to in sub-clauses (a) to (f) of section 3, shall be borne by their concerned controlling authorities.

**5. (1)** The Authority shall discharge such functions as may be necessary for prevention and eradication of tuberculosis in the country.

(2) Without prejudice to the generality of forgoing provisions, the authority shall,—

(a) formulate a Charter outlining its objectives along with roadmap to eradicate tuberculosis, within one year of its constitution;

(b) disseminate any necessary knowledge and information collected on the control of tuberculosis to the State Governments to be disseminated to tuberculosis Control Centres;

(c) undertake a baseline study to collect comprehensive data about causes of tuberculosis, risk factors and vulnerable population, within one year of setting up of the Authority.

(d) direct the appropriate Government to assist in conducting the baseline study;

Constitution  
of the  
Tuberculosis  
Prevention  
Authority.

Meetings of  
the Authority.

Functions of  
the Authority.

(e) direct the State Governments to establish Tuberculosis (TB) Control Centres at district level within one year of the commencement of this Act;

(f) direct healthcare service providers to follow the standard tuberculosis diagnosis and treatment protocol; and

(g) undertake such other functions as may be assigned to it, from time to time for carrying out the purposes of this Act.

Cost-free screening and treatment of tuberculosis.

**6. (1)** The tuberculosis Control Centres shall provide free screening of tuberculosis and cost-free treatment to the patients, until complete recovery from the disease.

(2) The State Government shall also provide healthcare coupons to patients diagnosed with tuberculosis, which may be redeemed for cost-free treatment at private hospitals.

Mobile tuberculosis vans for active screening.

**7. (1)** The State Government shall provide for mobile tuberculosis vans for active screening of tuberculosis, especially in remote rural areas.

(2) The patient screened tuberculosis positive with the mobile vans, shall be referred to the nearest tuberculosis Control Centres for follow-up care and treatment with the assistance from the appropriate Government.

Mobile tuberculosis vaccine immunization drive.

**8.** The State Government shall undertake mobile tuberculosis immunization drive to vaccinate children who were either not vaccinated or underwent incomplete vaccination.

Air borne infection control in high risk areas.

**9.** The State Government shall direct the concerned authorities to undertake air borne infection control in high risk and vulnerable areas.

Nutritional support to tuberculosis patients.

**10.** The appropriate Government shall provide additional nutritional support to tuberculosis patients at tuberculosis Control Centres, to incentivise patients in increasing their adherence to treatment and reduce drop outs.

Funding research on new drugs and diagnostic tools for tuberculosis.

**11.** The Central Government shall issue notification mandating the registered companies and societies manufacturing and distributing tobacco related products, to contribute five per cent. of their annual sales value for research on new drugs and diagnostic tools for tuberculosis.

Facilities for treating drug resistant strain of tuberculosis.

**12.** The State Government shall provide extensive facilities at the primary health centres and tuberculosis Control Centres for diagnosis and treatment of drug resistant strain of tuberculosis.

Outreach activities to increase awareness of tuberculosis.

**13. (1)** The appropriate Government shall undertake outreach activities to communicate to citizens of the factors contributing to tuberculosis, symptoms of tuberculosis and its ill effects, especially in rural areas.

(2) The nurses and the staff at the tuberculosis Control Centres shall educate the tuberculosis patients on the cough etiquette.

(3) The appropriate Government shall mobilise the local population in increasing awareness of tuberculosis in citizens.

Tobacco cessation services.

**14.** The appropriate Government shall provide for tobacco cessation counselling services at all tuberculosis Control Centres.

**15.** The appropriate Government shall—

- (a) undertake outreach and communication activities to increase awareness in women, especially in rural areas, of ill effects of tobacco consumption on their reproductive health and babies;
- (b) provide for tobacco cessation counselling services at all antenatal clinics and primary health centres; and
- (c) increrase awareness in rural households about the lethal potential of indoor air pollution from chulhas, and undertake necessary steps to curb the same.

Awareness in women of ill effects of tobacco consumption on reproductive health.

**16.** (1) The Central Government while allocating resources to a State Government for tuberculosis control, shall take into consideration the health and development indicators alongwith the past years spending potential of that State.

State's budget for tuberculosis control to be indexed so its health and development indicators.

(2) The Central Government shall increase the proportion of health sector budget to at least three per cent. of Gross Domestic Product by the year 2020.

Annual report and its laying before the parliament.

**17.** (1) The Authority shall prepare once every year, as may be prescribed, an annual report giving the summary of its activities, including schemes it has undertaken and recommended to the Government over the year and it shall contain statements of annual accounts of the Authority.

Central Government to provide funds.

(2) A copy of the report shall be forwarded to the Central Government, and the Central Government shall lay the report before each House of Parliament.

Power to remove difficulties.

**18.** The Central Government, will from time to time provide, after due appropriation made by Parliament by law in this behalf, requisite funds for carrying out the purposes of this Act.

Power to make rules.

**19.** If any difficulty arises in giving effect to the provisions of this Act, the Central Governments, in consultation with the State Governments, may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of any difficulty:

Provided that no such orders shall be made after the expiry of the period of three years from the date of commencement of this Act.

**20.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the pruposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each Houses of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annualment shall be without prejudice to the validity of anything previously done under that rule.

### STATEMENT OF OBJECTS AND REASONS

As per the statistics of World Health Organisation, India accounts for half a million deaths annually due to tuberculosis. The data from the Central Bureau of Health Intelligence also identifies tuberculosis as the leading cause of deaths in the country, accounting for 63,297 deaths in 2015. The Bill provides for free screening and treatment of tuberculosis at tuberculosis Control Centres established at district level in every state. The patients are also provided with an alternative of healthcare coupons that can be redeemed at any private hospital for free tuberculosis related treatment and care. Mobile tuberculosis vans are provided for active screening of tuberculosis in high risk population, especially in rural areas. Tuberculosis positive patients thus screened are referred to the nearest tuberculosis Control Centres for follow-up treatment and care. The Bill directs the State Government to undertake mobile tuberculosis immunization drive to vaccinate children. The Bill also directs the government to undertake air borne infection control activities in areas vulnerable to disease. The Bill aims to reduce drop outs from treatment and increase the patients compliance, through provision of nutritional supplements at tuberculosis Control Centres. To fund research in new drugs and diagnostic tools for tuberculosis, the Bill mandates all private and government companies involved in manufacture and distribution of tobacco related products, to contribute five per cent. of their annual sales value. The Bill also proposes 100% tax on all tobacco and tobacco related products, including smokeless tobacco like ghatka etc. The Bill has provision to mobilise local population to increase outreach to citizens about factors contributing to tuberculosis, symptoms of tuberculosis, cough etiquette. As per the Global Report 2017 of the World Health Organisation, India accounts for 24 per cent. of global cases of multi-drug resistant tuberculosis. The Bill provides for active screening and extensive facilities for treatment of multi-drug resistant strain of tuberculosis at tuberculosis Control Centres.

Tobacco use is one of the main causes of tuberculosis, contributing to 7.9 per cent of tuberculosis related deaths in the country. Research has shown that providing tobacco cessation services to tobacco users, has proved to reduce the disease burden of tuberculosis. Recognising tobacco as a major contributor to tuberculosis, the Bill provides for integration of tobacco cessation counselling services at all tuberculosis Control Centre. As per the World Health Organisation statistics, India is home to second highest number of women smokers globally. According to the National Family Health Survey-3, the proportion of children with low birth weight, is greater among children born to mothers who use tobacco. The Bill also has provision to educate women of the ill effects of tobacco consumption on their reproductive health, provide for tobacco cessation counselling services at all antenatal clinics and primary health centres. The Bill also provides for measures to curb indoor air pollution created by *chulhas* (used in rural areas for cooking purposes).

In 2016-17, health sector budget accounted for a mere 1.5 per cent, of the Gross Domestic Product. The Bill provides for increasing the health budget to at least three per cent. of Gross Domestic Product in next two years. The Bill stipulates that a State's budget for tuberculosis control must be indexed to the respective State's health and development indicators, along with its past years spending profile. The Bill thus champions for the control, prevention and complete eradication of tuberculosis in the country, by mandating free of cost diagnosis and treatment for tuberculosis.

Hence this Bill.

NEW DELHI;  
November 22, 2018.

SUPRIYA SULE

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of the Tuberculosis Prevention Authority and also appointment of such number of officers and staffs for its functioning. Clause 5 provides for establishment of Tuberculosis Control Centre. Clause 6 provides for free screening and cost-free treatment to the patients. Clause 7 provides for mobile tuberculosis vans for active screening of tuberculosis. Clause 8 provides for mobile tuberculosis immunization drive. Clause 11 provides for funding research on new drugs and diagnostic tools for tuberculosis. Clause 12 provides for facilities for treating drugs resistant strain of tuberculosis. Clause 18 makes it obligatory for the Central Government to provide requisite funds for carrying out the purposes of this Bill. The Bill, therefore, if enacted, will involve recurring expenditure of five hundred crore rupees per annum which shall be charged from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees one hundred crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 20 of the Bill empowers the Central Government to make necessary rules for carrying out the purposes of the Bill. As the rules will relate to matters of details only, the delegation of legislative power is of normal character.

## BILL NO. 195 OF 2018

*A Bill to provide compulsory gender sensitization education in curriculum of schools as a part of personality development and for matter connected therewith.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Short title and commencement.

**1. (1)** This Act may be called the Gender Sensitization (Training and Education) Act, 2018.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

**2.** In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "schools" means a primary or a middle or a secondary or a senior secondary level school imparting education to children, recognized by the Government or established under an Act of the Central Government or a State Government; and

(c) "prescribed" means prescribed by rules made under this Act.

**3.** The appropriate Government shall, by notification in the Official Gazette, set up training centers in each State and Union territory to impart gender sensitization lessons and workshops in schools, in association with the School Management Committees in such manner as may be prescribed.

Compulsory teaching of Gender Sensitization lessons.

**4.** Every training centre set up under section 3 shall create and ensure,—

(a) a custom developed program on gender sensitization involving methodologies like storytelling and experiential learning as a compulsory part of the study curriculum;

Functions of Gender Sensitization centres.

(b) teachers' training program with a minimum of two psychologists and child-counselors per school on relevant issues relating to gender sensitivity; and

(c) availability of resources required by teachers in order to provide for such workshops and lessons in their respective schools.

**5.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the State Governments for carrying out the purposes of this Act.

Central Government to provide fund.

**6.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Overriding effect of the Act.

**7.** The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Act not in derogation of other law.

**8. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

#### STATEMENT OF OBJECTS AND REASONS

We have been working on enrolling girl child for education in schools for decades now. In our constant efforts to ensure their social independence and welfare, another step can be to provide a more Gender sensitive and Gender equitable environment in elementary schools.

As part of personality building and skill development, since a child's first outdoor experience is at his/her school, Gender sensitization lessons and workshops must be made an essential part of the study-curriculum. Storytelling and Experiential learning are two interesting ways to make young minds learn effectively and involving young adolescents meaningfully to achieve desired result. If, in furtherance of the Protection of Children from Sexual Offences Act, 2012, a custom developed program about Gender sensitivity is created in the simplest and most understandable mediums, Gender sensitive issues and related identity complexities that children face in early years can be addressed more effectively.

If unbiased participation of teachers and guardians is ensured by local authorities, on direction from the Central Government, this endeavour will take a reformative shape in the India Education system, which the future of our country long awaits.

Hence this Bill.

NEW DELHI;  
*November 27, 2018.*

SUPRIYA SULE

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of training centers in each State to equip teachers to provide Gender Sensitization lessons to children and adolescents in schools. Clause 5 provides for adequate funding by the Central Government. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure to the tune of rupees one hundred crores will be involved.

A non-recurring expenditure of about rupees fifty crores is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

**BILL NO. 210 OF 2018**

*A Bill to amend the National Food Security Act, of 2013.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Short title and commencement.

**1. (1)** This Act may be called the National Food Security (Amendment) Act, 2018.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 2.

**2.** In section 2 of the National Food Security Act, 2013 thereafter referred to as the principal Act,—

(a) in clause (5), the words “or any combination thereof” shall be omitted;

(b) for clause (6), the following clause shall be substituted, namely: —

(6) “food security” means the supply to all persons, at all times other than during war, of the entitled quantity of foodgrains and meals specified under Chapter II, which meet their dietary needs and food preferences; and

(c) for clause (9), the following clause shall be substituted, namely: —

(9) “meal” means fresh hot cooked food made from locally procured material and does not include pre-cooked meals or take home ration;”.

**3.** In section 3 of the principal Act,—

Amendment  
of section 3.

(i) in sub-section (1),—

(a) for the words “five kilograms of foodgrains”, the words “five kilograms of foodgrains of the recipient’s choice” shall be substituted; and

(b) in the first proviso, for the words “thirty-five kilograms of foodgrains”, the words “thirty-five kilograms of foodgrains as per the recipient’s choice” shall be substituted.

(ii) sub-section (3) shall be omitted.

**4.** In section 8 of the principal Act,—

Amendment  
of section 8.

(a) for the words “entitled quantities of foodgrains or meals”, the words “entitled quantities of foodgrains of the recipient’s choice or meals” shall be substituted; and

(b) the following provisos shall be added at the end, namely:—

Provided that such food security allowance shall not be less than the market price of the foodgrains of the recipient’s choice prevailing at the time, as ascertained by the State Government:

Provided further that such allowance shall be made available to the recipient within forty-eight hours from the time that the recipient is informed of the unavailability of foodgrains of the recipient’s choice.”.

**5.** In section 12 of the principal Act, in sub-section (2), clause (h) shall be omitted.

Amendment  
of section 12.

**6.** In section 44 of the principal Act,—

Amendment  
of section 44.

(a) the words, “flood, drought, fire, cyclone or earthquake” shall be omitted; and

(b) the proviso shall be omitted.

**7.** In Schedule II to the principal Act, in column 3 under the heading “Type of meal”, for the words “Take Home Ration” occurring against Serial Numbers 1, 3 and 6, the words “Hot Cooked Meal” shall be substituted.

Amendment  
of Schedule  
II.

#### STATEMENT OF OBJECTS AND REASONS

The National Food Security Act was enacted in 2013 to ensure access to nutritious food to every person in the country. However, even after five years since the passing of the Act, statistics show that hunger and starvation continue to be rampant in the country. The reason for the limited success of the National Food Security Act is that there were intrinsic shortcomings and contradictions within the Act.

The term “food security” conveys that every person should have access to nutritious food of his or her own choice at affordable prices at all times. However, the principal Act, while based on a rights-based approach, failed to provide the element of choice to the beneficiaries. The Act permitted the Government to provide whatever foodgrains are available, rather than the ones demanded by the beneficiary. This Bill therefore seeks to ensure that beneficiaries are able to choose the foodgrains that they consume.

The principal Act also provided that the Government should promote cash transfers and food coupons. However, this will lead to privatisation and result in higher prices for the beneficiaries. Moreover, it amounts to abdication of its duty by the State. This Bill seeks to ensure that beneficiaries are not adversely affected by provision of food coupons in place of affordable foodgrains.

Further, the principal Act permitted the Government to provide beneficiaries “take home ration” in place of hot cooked meals for pregnant and nursing women as well as young children. This Bill seeks to ensure that hot cooked meals are provided to pregnant and nursing women and to young children.

Finally, the principal Act withdrew the guarantee of food security in situations in which it may be required the most, that is, in cases of natural calamities such as floods, fire, cyclone, earthquake or drought. This Bill seeks to make it incumbent upon the Government to ensure food security to all persons at all times including and especially in cases of natural calamities.

Hence this Bill.

NEW DELHI;  
*November 27, 2017.*

JAGDAMBIKA PAL

## BILL No. 193 OF 2018

*A Bill further to amend the Information Technology Act, 2000.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

**1. (1)** This Act may be called the Information Technology (Amendment) Act, 2018.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

21of 2000.

**2.** In the Information Technology Act, 2000, section 66A shall be omitted.

Omission of section 66A.

#### STATEMENT OF OBJECTS AND REASONS

Section 66A of the Information Technology Act, 2000 was declared unconstitutional by the Hon'ble Supreme Court in its landmark decision in *Shreya Singhal v. Union of India* in 2015. However, legal database and media reports have shown that section 66A continues to be used by law enforcement agencies including the police, trial courts and even High Courts.

Several Cases that were filed under section 66A before the Shreya Singhal judgement in 2015 continue to be investigated by the police and tried in courts and new cases have also been filed after the judgement, despite the fact that the provision has been declared unconstitutional by the highest court of the land.

Section 66A violates Fundamental Rights guaranteed by the Constitution of India. In the Shreya Singhal judgement, the Supreme Court held that "it is clear that section 66A arbitrarily, excessively and disproportionately invades the right of free speech and upsets the balance between such right and the reasonable restrictions that may be imposed on such right."

In view of aforesaid judgement of the Supreme Court, Cases under section 66A currently being investigated or prosecuted must be quashed and no new cases should be registered under section 66A. Section 66A of the Information Technology Act, 2000, must also be deleted from the statute book.

Hence this Bill.

NEW DELHI;  
November 27, 2018.

JAGDAMBIKA PAL

## BILL NO. 251 OF 2018

*A Bill further to amend the Army Act, 1950, the Navy Act, 1957 and the Air Force Act, 1950 with a view to give equal rights and opportunities to members of the Lesbian, Gay, Bisexual and Transgender community to dedicate their lives for the nation and serve in the Armed Forces.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

### CHAPTER I

#### PRELIMINARY

**1. (1)** This Act may be called the Armed Forces Law (Amendment) Act, 2018.

Short title and commencement.

**(2)** It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

## CHAPTER II

### AMENDMENTS TO THE ARMY ACT, 1950

Amendment  
of section 45.

**2.** After section 45 of the Army Act, 1950, (hereinafter referred to as the principal Act in this Chapter), the following explanation shall be inserted, namely:—

45 of 1950.

*"Explanation.—Nothing in this section shall apply to consensual sexual acts committed between adults, whether of the same gender or of different genders.".*

Amendment  
of section 46.

**3.** After section 46 of the principal Act, the following explanation shall be inserted, namely:—

*"Explanation.—Nothing in this section shall apply to consensual sexual acts committed between adults, whether of the same gender or of different genders.".*

Amendment  
of section 63.

**4.** After section 63 of the principal Act, the following explanation shall be inserted, namely:—

*"Explanation.—Nothing in this section shall apply to consensual sexual acts committed between adults, whether of the same gender or of different genders.".*

## CHAPTER III

### AMENDMENTS TO THE NAVY ACT, 1957

Amendment  
of section 53.

**5.** After section 53 of the Navy Act, 1957 (hereinafter referred to as the principal Act in this Chapter), the following explanation shall be inserted, namely:—

62 of 1957.

*"Explanation.—Nothing in this section shall apply to consensual sexual acts committed between adults, whether of the same gender or of different genders.".*

Amendment  
of section 54.

**6.** After section 54 of the principal Act, the following explanation shall be inserted, namely:—

*"Explanation.—Nothing in this section shall apply to consensual sexual acts committed between adults, whether of the same gender or of different genders.".*

Amendment  
of section 74.

**7.** After section 74 of the principal Act, the following explanation shall be inserted, namely:—

*"Explanation.—Nothing in this section shall apply to consensual sexual acts committed between adults, whether of the same gender or of different genders.".*

## CHAPTER IV

### AMENDMENTS TO THE AIR FORCE ACT, 1950

Amendment  
of section 45.

**8.** After section 45 of the Air Force Act, 1950, (hereinafter referred to as the principal Act in this Chapter), the following explanation shall be inserted, namely:—

*"Explanation.—Nothing in this section shall apply to consensual sexual acts committed between adults, whether of the same gender or of different genders.".*

Amendment  
of section 46.

**9.** After section 46 of the principal Act, the following explanation shall be inserted, namely:—

*"Explanation.—Nothing in this section shall apply to consensual sexual acts committed between adults, whether of the same gender or of different genders.".*

Amendment  
of section 65.

**10.** After section 65 of the principal Act, the following explanation shall be inserted, namely:—

*"Explanation.—Nothing in this section shall apply to consensual sexual acts committed between adults, whether of the same gender or of different genders.".*

#### STATEMENT OF OBJECTS AND REASONS

Members of the LGBT (Lesbian, Gay, Bisexual and Transgender) community have for long been persecuted and discriminated against. Not only did society exclude and ostracize them, the State too punished them for their identity. This systemic and social victimization was finally declared illegal and unconstitutional by the hon'ble Supreme Court in September 2018 in the landmark judgement in *Navtej Singh Johar & Ors. v. Union of India & Ors.*

The apex court stated in unequivocal terms that respect for individual choice is the very essence of liberty under law and thus criminalizing carnal intercourse among persons of the same gender is irrational, indefensible and manifestly arbitrary. The court noted that archaic legal provisions from the colonial era criminalizing homosexuality were a weapon in the hands of the majority to seclude, exploit and harass the LGBT community.

The Armed Forces too treated differently and adversely those who did not adhere to normative standards and definitions of sexual identities and orientations. As noted by the hon'ble Supreme Court, lesbians, gays, bisexual and transgenders have a constitutional right to equal citizenship in all its manifestations. Therefore, every person, irrespective of gender or sexual orientation, shall have the opportunity to serve their nation by joining the Armed Forces, which is an essential and core civilizational institution.

While the judgement of the Hon'ble Supreme Court has received praise and appreciation from all sections of society, questions have been raised whether the same would extend to the Armed Forces.

This Bill seeks to make it clear that a person's sexual identity or orientation cannot form the grounds for disciplinary action of any kind under the Act. As held by the hon'ble Chief Justice of India, "Only constitutional morality and not social morality can be allowed to permeate rule of law. Sexual orientation is one of the many natural phenomena, any discrimination on basis of sexual orientation amounts to violation of fundamental rights."

The Bill, therefore, seeks to amend the Army Act, 1950, Navy Act, 1957 and the Air Force Act, 1950 with a view to give equal rights and opportunities to members of the LGBT community to dedicate their lives for the nation and serve in the Armed Forces.

Hence, this Bill.

NEW DELHI;  
November 27, 2018.

JAGDAMBIKA PAL

## BILL NO. 231 OF 2018

*A Bill to amend the Disaster Management Act, 2005.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Short title and commencement.

**1. (I)** This Act may be called the Disaster Management (Amendment) Act, 2018.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of new section 46A.

**2.** After section 46 of the Disaster Management Act, 2005, the following section shall be inserted, namely: —

National Rehabilitation and Reconstruction Fund.

"46A. (I) The Central Government shall, by notification in the Official Gazette, constitute a Fund to be called the National Rehabilitation and Reconstruction Fund for meeting the expenses for post disaster rehabilitation and reconstruction.

(2) The Central Government shall, within sixty days from the date of commencement of this Act, in consultation with the National Authority, lay down guidelines for allocation of funds under the National Rehabilitation and Reconstruction Fund.

(3) The Central Government shall make adequate budgetary allocations towards the National Rehabilitation and Reconstruction Fund.

(4) When a State Government is unable to meet expenses for post-disaster rehabilitation and reconstruction, the Central Government shall, on a request made by a State Government, within thirty days from the date of request, allocate funds in accordance with the guidelines framed under sub-section (2):

Provided that where the Central Government fails to allocate funds as requested by the State Government, the reasons for doing so shall be clearly communicated to the State Government concerned.

*Explanation.*—Expenses for post disaster rehabilitation and reconstruction shall include expenses for long term reconstruction and rehabilitation measures.".

#### STATEMENT OF OBJECTS AND REASONS

The Disaster Management Act, 2005 established a legal regime to govern various facets of disaster management in the country through the co-operation and co-ordination between the Central Government and the State Governments. The Act established the State Disaster Response Fund and the National Disaster Response Fund to meet the expenses for emergency relief work.

However, under the existing State Disaster Response Fund and the National Disaster Response Fund guidelines, there is no provision to provide for any financial assistance to the State Government for rehabilitation and reconstruction measures, even though rehabilitation and reconstruction are integral components of disaster management. People displaced and adversely affected by a disaster should not be deprived of their right to life and dignity as guaranteed under article 21 of the Constitution due to lack of resources with the State Government for rehabilitation and reconstruction measures. Therefore, a separate statutory fund with sufficient resources needs to be established by the Central Government to assist State Governments for this purpose. The Report of the Task Force, 2013 which reviewed the Disaster Management Act, 2005 had recognized that the Act does not provide a specific mechanism to support post-disaster recovery and reconstruction, and therefore recommended inserting a regular provision in the Act for this purpose.

In situations where the State Government does not have adequate funds to meet the expenses arising for rehabilitation and reconstruction works, it is the responsibility of the Central Government to provide adequate additional assistance in a time bound manner. Guidelines are required to be framed by the Central Government to govern the procedure for the allocation of such funds to ensure uniformity and objectivity in policy.

Hence this Bill.

NEW DELHI;  
*November 18, 2018.*

SHASHI THAROOR

#### FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for constitution of a National Rehabilitation and Reconstruction Fund for meeting the expenses for post disaster rehabilitation and reconstruction.

The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees ten thousand crore per annum would be involved from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

## BILL NO. 254 OF 2018

*A Bill further to amend certain enactments to guarantee and protect literary freedom in the country.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

### CHAPTER I

#### PRELIMINARY

Short title,  
extent and  
commencement.

- 1. (I)** This Act may be called the Freedom of Literature Act, 2018.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

## CHAPTER II

### AMENDMENTS TO THE INDIAN PENAL CODE, 1860 (45 OF 1860)

- 15 of 1860.
1. Section 292 of the Indian Penal Code, 1860 (hereinafter referred to as the Penal Code) shall be omitted. Omission of section 292.
  2. In section 293 of the Penal Code, for the words "under the age of twenty years any such obscene object as is referred to in the last preceding section", the words, "under the age of eighteen years any obscene object" shall be substituted. Amendment of section 293.
  3. Section 295A of the Penal Code shall be omitted. Omission of section 295A.
  4. Section 298 of the Penal Code shall be omitted. Omission of section 298.

## CHAPTER III

### AMENDMENT TO THE CODE OF CRIMINAL PROCEDURE, 1973 (2 OF 1974)

- 2 of 1974.
6. For section 95 of the Code of Criminal Procedure, 1973, (hereinafter referred to as the Code of Criminal Procedure) the following section shall be substituted, namely:
- 45 of 1860.
- "95. (1) The State Government may, by notification, temporarily prohibit the publications, circulation or distribution of any document for a period of thirty days, on the grounds that it attracts provisions of section 124A or section 153A or section 153B of the Indian Penal Code, 1860. Substitution of new section for section 95.
- (2) The State Government may, within a period of fifteen days of a notification under sub-section (1), make an application to the High Court to permanently prohibit the publication, circulation and distribution of the document, on the grounds that attracts provision under section 124A or section 153A or section 153B of the Indian Penal Code, 1860." Power to prohibit the publication and circulation of documents.
- (3) In this section and in section 96,—
- (a) "document" includes any book, newspaper, painting, drawing, photograph, or other visible representation; and
- (b) "newspaper" and "book" have the same meaning as in the Press and Registration of Books Act, 1867 (25 of 1867).".

- 25 of 1867.
7. For section 96 of the Code of Criminal Procedure, 1973, the following section shall be substituted, namely:
- "96. (1) The High Court shall dispose off an application made under sub-section (2) of section 95 within three months from the date of filing of such application. Power of the High Court to determine the prohibition of documents.
- (2) The High Court may extend the temporary prohibition on the circulation and distribution of the document under sub-section (1) of section 95 till the determination of the application.
- (3) No Court shall entertain any application to ban any document, except an application filed by the State Government under sub-section (2) of section 95.". Substitution of new section for section 96.

## CHAPTER IV

### AMENDMENT TO THE CUSTOMS ACT, 1962 (52 OF 1962)

- 52 of 1962.
8. In section 11 of the Customs Act, 1962, after sub-section (2), the following sub-section shall be inserted, namely:
- "(3) Notwithstanding anything in the sub-sections (1) and (2), the import of any book shall not be prohibited by the Central Government, except on the ground that the circulation of the book is likely to cause a breach of public order, despite taking reasonable measures to prevent the same.". Amendment of section 11.

## CHAPTER V

### AMENDMENT TO THE INFORMATION TECHNOLOGY ACT, 2000

(21 OF 2000)

Substitution of  
new section  
for section 67.

Publishing of  
information  
which is  
obscene in  
electronic  
form.

**12.** For section 67 of the Information Technology Act, 2000, the following section 21 of 2000.  
shall be substituted, namely:—

**"67.** Whoever publishes child pornography or transmits in the electronic form any obscene material to a person without such person's consent, shall be punished on first conviction with imprisonment of either description for a term which may extend to five years and with fine which may extend to one lakh rupees and in the event of a second or subsequent conviction with imprisonment of either description for a term which may extend to ten years and also with fine which may extend to two lakh rupees.".

## CHAPTER VI

### AMENDMENT TO THE INDECENT REPRESENTATION OF WOMEN (PROHIBITION) ACT, 1986 (60 OF 1986)

Amendment  
of section 2.

**13.** In section 2 of the Indecent Representation of Women (Prohibition) Act, 1986, 60 of 1986.  
for sub-section (c) the following sub-section shall be substituted, namely:—

"(c) "indecent representation of women" means the derogatory depiction of women or any depiction or publication which encourages or justifies the abuse or suppression of women;".

#### STATEMENT OF OBJECTS AND REASONS

Literary freedom or the freedom to express through works of literature is an integral component of the freedom of speech and expression under article 19(1)(a) of the Constitution of India. Authors must be guaranteed the freedom to express their work without fear of punitive action by the State or by sections of society.

The spirit of questioning and dissent is essential for social, cultural and political reform and for the overall enhancement of a constitutional democracy. The exceptions to the freedom of speech and expression must be strictly and narrowly defined. The recognition of the importance of dissent and expression of opinions, which may be irreverent or even unpopular, by the law is essential to prevent the legal process from being used to suppress reform and progress of society.

Literary freedom includes the right to criticize and question all bodies of thought, including ones based on religious belief and cultural traditions. The State must recognize the right of an adult to consume literature of his or her choice, even if such works of literature are frowned upon by social norms. The laws must preserve and deepen constitutional morality and must not act as a tool to enforce majoritarian morality.

Banning works of literature is not congruent with the essence of democracy, and violates the right to information of individuals. Such powers must be exercised in exceptional situations, with sufficient judicial oversight to prevent censorship based on political expediency. Provisions in various enactments such as the Indian Penal Code, Code of Criminal Procedure Customs Act, Young Persons (Harmful Publications) Act, Information Technology Act and the Indecent Representation of Women (Prohibition) Act, shall be omitted and amended, in order to ensure and guarantee literary freedom in India.

Hence this Bill.

NEW DELHI;  
*November 19, 2018.*

SHASHI THAROOR

## BILL NO. 259 OF 2018

*A Bill to establish an effective regime to maintain the integrity of Sports in India by preventing and penalizing Sports Fraud, regulation of Online Sports Gaming; and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

### CHAPTER I

#### PRELIMINARY

Short title,  
extent and  
commencement.

**1. (1)** This Act may be called the Sports (Online Gaming and Prevention of Fraud) Act, 2018.

(2) It extends to the whole of India, except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2. In this Act, unless the context otherwise requires,—**

Definitions.

(a) "appropriate authority" means a person or organization designated as such by the Central Government;

(b) "bet" with all its grammatical variations means any money or a valuable security or a thing staked by a person on behalf of himself or through an agent or any person procured or employed, acting for or on his behalf, to be lost or won on the happening or determination of an unascertained thing, event or contingency of or in relation to a game or sport and shall include acceptance of a bet;

(c) "Commission" means the Online Sports Gaming Commission constituted under section 13;

(d) "domestic sporting event" means any domestic, national or international sporting event or segment thereof, sanctioned or recognized by a National Sports Federation or a State Sports Federation, held or to be held in India;

(e) "inside information" means any information not in the public domain and includes information—

(i) not already published or is a matter of record, about a sporting event including information concerning the condition of the field of play or strategy or any injury or any other factor affecting the sporting event, and

(ii) specifically, within the knowledge of a member by virtue of his position, participation or any other form of involvement in the sporting event;

(f) "international sporting event" means any international sporting event recognized by a National Sports Federation or by an International Sports Federation, held outside India in which the Indian team or a member from India participates;

(g) "International Sport Federation" means a federation recognised by the International Olympic Committee in respect of an Olympic sport or any federation which regulates a non-Olympic sport at the international level;

(h) "license" means a license granted by the Commission under the provisions of the Act for the purpose of facilitating online sports gaming;

(i) "licensee" means any person who has been granted a license to install and operate Online Gaming Server, and any other activity to facilitate Online Sports Gaming';

(j) "member" means a participant of the National or State or domestic sports team or sporting event and includes support personnel, umpires, match officials and any other person deriving commercial benefit from the team or event;

(k) "National Sports Federation" means an autonomous body which regulates a sport at the national level and recognized by the Central Government, and includes any body designated by the Central Government as a National Sports Federation for the purposes of the Act;

(l) "Online Gaming Server" means any main frame computer or set of computers, installed or maintained by the Licensee, that accepts, processes, stores and validates transactions arising out of Online Sports Gaming, and which manages, monitors and controls the entire system of Online Sports Gaming;

(m) "Online Gaming Website" means the internet domain registration or URL address of the Licensee through which Online Sports Gaming is conducted;

(n) "Online Sports Gaming" means games involving the prediction of the results of a sporting event and placing a bet on the outcome, in part or in whole, of such sporting event, by means of a telecommunication device;

(o) "prescribed" means prescribed by rules made under this Act;

(p) "Sports Fraud" has the meaning assigned to it in section 3;

(q) "sporting event" means any domestic sporting event or international sporting event;

(r) "State Sports Federation" means an autonomous body which regulates a sport at the State level and recognized by National Sports Federation in relation to such sport or recognized by the State Government; and

(s) "sport personnel" means any manager, coach, trainer, selector, team official, agent, doctor, therapist or any other, person employed by, representing or otherwise affiliated to a playing or touring team or squad that is chosen to represent a National Sports Federation or a State Sports Federation or its affiliates in a sporting event.

## CHAPTER II

### PREVENTION OF SPORTS FRAUD

**Offence of Sports Fraud.** 3. (1) A person is said to commit the offence of Sports Fraud in relation to a domestic sporting event if—

(i) a Member accepts or obtains or agrees to accept or attempts to obtain from any person for himself or for any other person, any gratification, other than legal remuneration, as a motive or reward for doing or forbearing to do an act—

(a) to manipulate sports result, including the simulation or pre-determined sequence of events or manipulation of outcomes within any act or period of play based on an agreement, irrespective of whether the outcome is actually altered or not, or

(b) to cause an irregular alteration of the field of play or the result of a sporting event including its incidental events, or

(c) to deliberately misapply the rules of the sport;

(ii) a member being in possession of inside information, discloses such information to any person before or during a sporting event, for any gratification, other than legal remuneration, for himself or for any other person, as a motive or reward for doing such act;

(iii) a person provides, or attempts to provide, or facilitates the provision of any gratification, other than legal remuneration, as described under clauses (i) and (ii);

(iv) a person omits to perform the duty imposed on him under section 4;

(v) a participant of a domestic sporting event, or any other person on his or her behalf, wilfully misrepresents the age or any other qualifications of the participant, as required for such event.

(2) A person is said to commit the offence of Sports Fraud in relation to an international sporting event, if—

(i) a member, who is a citizen of India, accepts or obtains or agrees to accept or attempts to obtain from any person, for himself or for any other person, any gratification, other than legal remuneration, as a motive or reward for doing or forbearing to do an act—

(a) to manipulate sports result, including the simulation of pre-agreed sequence of events or manipulation of outcomes within any act or period of play

based on an agreement, irrespective of whether the outcome is actually altered or not; or

(b) to cause an irregular alteration of the field of play or the result of a sporting event including its incidental events; or

(c) to deliberately misapply the rules of the sport;

(ii) a member, who is a citizen of India, being in possession of inside information, discloses such information to any person before or during any sporting event, for any gratification, other than legal remuneration, for himself or for any other person, as a motive or reward for doing such act;

(iii) a member accepts or attempts to accept or obtains or agrees to accept or attempts to obtain from any person, for himself or for any other person, any gratification, other than legal remuneration, to engage in any acts described in sub-clauses (a) to (c) of clause (i) or clause (ii), within the territory of India;

(iv) a person, who is a citizen of India, provides, or attempts to provide, or facilitates the provision of any gratification, other than legal remuneration, as described in clauses (i), (ii) and (iii);

(v) a person who provides, or attempts to provide, or facilitates the provision of any gratification, other than legal remuneration, as described in clauses (i), (ii) and (iii) within the territory of India;

(vi) a person, who is a citizen of India, omits to perform the duty imposed on him under section 4;

(vii) a participant of an international sporting event, who is a citizen of India, or any person on his or her behalf, wilfully misrepresents the age or any other qualifications of the participant, as required for such event:

Provided that any sporting event recognized or sanctioned by the Board of Control for Cricket in India, held in India and outside India, shall be deemed to be a domestic sporting event and an international sporting event, respectively, for the purposes of this act.

*Explanation I.*—For the purpose of this section, the expression "gratification" shall have the same meaning as is assigned to it in section 7 of The Prevention of Corruption Act, 1988.

*Explanation II.*—For the purpose of this section, the expression "sports result" includes the margin of victory or loss.

**4.** Whoever gets any information as to the commission of any of the acts referred to in clauses (i), (ii), (iii) and (v) of sub-section (1) of section 3, and in clauses (i), (ii), (iii), (iv), (v) and (vii) of sub-section (2) of section 3, shall forthwith or within such time as may be prescribed, give the information regarding the same to the appropriate Authority or to the police as the case may be, or to the team management or the National Sports Federation, in writing:

Duty to  
Inform.

Provided that the team management or National Sports Federation, shall inform the appropriate authority or the police, as the case may be, within three working days of receiving such information:

Provided further that for the purpose of this act, the Board of Control for Cricket in India shall be deemed to be the National Sports Federation for the sport of cricket:

Provided also that for purpose of this act, the Indian Olympic Association shall be deemed to be the National Sports Federation for an olympic sport.

Investigation  
of Sports  
Fraud.

**5. (I)** Every Sports Fraud in relation to a domestic sporting event shall be investigated by any officer in charge of a police station, having jurisdiction over the local area within the limits of which such offence is said to have been committed, in accordance with provisions of the Code of Criminal Procedure, 1973

(2) Every Sports Fraud in relation to an international sporting event shall be investigated by the appropriate authority.

(3) The appropriate authority shall, for the purposes of this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 while trying a suit in respect of the following matters, namely:—

- (a) discovery and inspection;
- (b) enforcing the attendance of any person, including any officer of a reporting entity and examining him on oath;
- (c) compelling the production of records;
- (d) receiving evidence on affidavits;
- (e) issuing commissions for examination of witnesses and documents; and
- (f) any other matter which may be prescribed.

Punishment  
for Sporting  
Fraud in  
Relation to a  
Sporting  
Event.

**6.** Whoever commits the offence of Sports Fraud shall be punishable—

(a) where such Sports Fraud relates to clauses (i), (ii), (iii) of sub-section (1) of section 3 or clauses (i), (ii), (iii), (iv), (v), (vii) of sub-section (2) of section, with imprisonment for a term which may extend to five years and with fine of ten lakhs or five times the economic benefits derived by the person from sporting fraud, whichever is greater;

(b) where such sports fraud relates to clauses (iv) of sub-section (1) of section 3 or clauses (vi) of sub-section (2) of section 3, with imprisonment for a term of not exceeding three years and with fine of rupees five lakhs or three times the economic benefits derived by the person from sporting fraud, whichever is greater;

(c) where such Sports Fraud relates to clauses (v) of sub section (1) of section 3 or clause (vii) section (2) of section 3, with imprisonment for a term not exceeding one year and with fine of rupees two lakhs or three times the economic benefits derived by the persons through such misrepresentation, whichever is greater;

Abetment of  
Sports Fraud.

**7.** A person who abets the commission of the offence of sporting fraud shall be punishable with the same punishment as provided for the offence.

*Explanation*—For the purpose of this section, the expression "abets" shall have the same meaning as is assigned to the expression "abetment of a thing" in section 107 of the Indian Penal Code, 1860.

Offences by  
companies.

**8. (I)** Where any offence punishable under this Act has been committed by a company, every person who, at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company,

as well as the company, shall be deemed to be guilty of the offence and shall to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence punishable under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part, of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation*—For the purposes of this section,—

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

**9. (I)** No court shall take cognizance of an offence under this Chapter except on—

Cognizance of offences.

(a) a complaint filed by a person from a National Sports Federation in-charge of implementing its anti-corruption code or rule in such manner as may be prescribed;

(b) a complaint filed by a person after giving notice of not less than sixty days, in such manner as may be prescribed, to the appropriate authority or to the police, as the case may be, of the alleged offence and of his intention to make a complaint to the court;

(c) a report of a police officer on completion of investigation under Section 173 of The Code of Criminal Procedure, 1973;

(d) a report filed by the appropriate authority on completion of investigation.

(2) No court inferior to that of a Metropolitan Magistrate or Judicial Magistrate of the first class shall try any offence punishable under this Act.

**10.** All offences under this Chapter shall be cognizable and non-bailable.

Cognizable and non-bailable offences.

### CHAPTER III

#### REGULATION OF ONLINE SPORTS BETTING

**11. (I)** The Central Government shall constitute a Commission, to be known as the Online Sports Gaming Commission, to exercise the powers conferred upon, and to perform the functions assigned to it, under this Act.

The Online Sports Gaming Commission.

(2) The Commission shall consist of a Chairperson, Vice Chairperson and five members to be nominated by the Central Government, with at least one expert from the field of law, one expert in the field of cyber technology and one person with experience in law enforcement.

(3) the Central Government shall provide the Commission with a Secretary and

such officers and employees as may be necessary for the efficient performance of the functions of the Commission under this Act.

(4) The salaries and allowances payable to, and the other terms and conditions of service of, the officers and other employees appointed for the purpose of the Commission shall be such as may be prescribed by the Central Government.

Composition  
of the Online  
Sports  
Gaming  
Commission.

**12. (1)** The Chairperson and every member of the Commission shall hold office for a period of three years from the date such person assumes office.

(2) The Chairperson or a member may, by writing under his hand addressed to the Central Government, resign from the office of Chairperson or as the case may be, of the member at any time.

(3) The Central Government shall remove a person from the office of Chairperson, Vice Chairperson or a member referred to in sub-section (2) if that person—

- (a) becomes an undischarged insolvent;
- (b) is convicted and sentenced to imprisonment;
- (c) becomes of unsound mind and stands so declared by a competent court;
- (d) refuses to act or becomes incapable of discharging his functions;
- (e) has in the opinion of the Central Government, so abused his position as a member, so as to render a person's continuance in office detrimental to public interest.

Functions of  
the  
Commission.

**13. The Commission shall,—**

- (a) oversight of the functioning of Online Gaming Websites;
- (b) tracking illegal Online Sports Gaming;
- (c) tracking suspicious betting patterns of persons including, Licensees;
- (d) co-ordinating with State and Central law enforcement agencies to curb illegal Online Sports Gaming;
- (e) make periodical or special reports to the Central Government on any matter pertaining to Online Sports Gaming;
- (f) suggest appropriate measures to control or curb illegal Online Sports Gaming;
- (g) to issue, suspend and revoke Licenses and to determine fees for License applications and License renewals;
- (h) any other matter referred to it by the Central Government.

Ambit of  
Online Sports  
Gaming.

**14. (1)** No person shall engage in Online Sports Gaming except through an Online Gaming Website.

(2) No person shall operate an Online Gaming Server or an Online Gaming Website without a License granted under this Act.

(3) Any person who operates an Online Gaming Server or an Online Gaming Website without a License granted under this Act, shall be punishable with imprisonment for a term of not exceeding three years and with fine as may be prescribed.

(4) Any person who engages in Online Sports Gaming except through an Online Gaming Website shall be punishable with imprisonment for a terms of not exceeding one year and with fine as may be prescribed:

Provided that nothing in this section shall cover any person providing backend services in India, including hosting and maintenance services, for any international betting website based outside India.

*Explanation.—*For the purposes of this Act, the expression "Online Sports Gaming" shall not include any form of wagering, betting, gaming or gambling in relation to events which are not in relation to a sporting event.

**15. (I)** Any person desiring to obtain a License shall make an application in writing to the Commission, in such form and manner as may be prescribed.

(2) On receipt of the such application the Commission may, after making such inquiry as it considers necessary, by order in writing, either grant the License or refuse to grant the License, assigning reasons for its decision.

**16. (I)** A License, unless it is cancelled or surrendered, shall remain in force for such period, not exceeding five years, as may be specified in it.

(2) A Licensee may surrender the License through a notice in writing to the Commission.

(3) The cancellation, surrender, or expiry of a License shall not affect any liability for anything done or omitted to be done before the date on which it ceases to have effect.

**17.** An applicant for the License shall pay to the Commission such amount as may be prescribed as application fee for the grant of the License.

**18.** The License shall not be capable of being assigned in any form or in any manner.

License for  
an Online  
Gaming  
Server or an  
Online  
Gaming  
Website.

Cancellation  
or Surrender  
of the  
License.

Fee for the  
License.

Non-  
assignment of  
the License.

Renewal of  
the License.

Suspension or  
Cancellation  
of the  
License.

**19.** The Commission may, on application made to it, renew the License granted under this Act, on payment of the fee prescribed for renewal of a License or refuse to renew any such License after assigning the reasons for refusal in written order.

**20. (I)** The Commission may, at any time, after giving the Licensee a reasonable opportunity of being heard, suspend or cancel the License on any one or more of the following grounds, namely:

(i) That there has been a breach of any of the conditions subject to which the License was granted.

(ii) That the Licensee has contravened any of the provisions of this Act or rules made thereunder.

(2) Whenever a License is suspended or cancelled, the Commission shall record the reasons for such suspension or cancellation and furnish a copy thereof to the person whose License has been cancelled or suspended.

(3) If the Licensee is found to have breached any of the conditions of the License, then the Licensee be punished with such fine as may be prescribed.

**21.** The Licensee shall maintain accounts relating to Online Sports Gaming in such manner and submit it to the Commission as may be prescribed.

Maintenance  
of accounts  
relating to  
Online Sports  
Gaming by  
the Licensee.

Conditions of  
the License.

**22. (I)** If any person, other than the Licensee while engaging in Online Sports Gaming through Online Gaming Website, commits a breach of any of the conditions of the License as exhibited or of the rules to be observed in playing such games, such person shall be punished with fine as may be prescribed.

(2) The Licensee shall exhibit on the approved website, the conditions subject to which the License was granted, and all rules governing the conduct of Online Sports Gaming.

Request by  
the  
Commission  
for  
investigation.

**23. (1)** The Commission may request the police to investigate any acts of violations of the sections under this Chapter.

(2) It shall be lawful for any police officer, not below the rank of Deputy Superintendent of Police, to search premises and to seize materials in accordance with the provisions of the Code of Criminal Procedure, 1973.

Cognizable  
and bailable  
offences.

**24.** All offences under this chapter shall be cognizable and bailable.

Foreign  
Direct  
Investment in  
Online Sports  
Gaming.

**25.** The Central Government may, by notification permit Foreign Direct Investment including technological collaboration in licensed Online Sports Gaming, subject to any conditions or restrictions as may be prescribed.

Rule-making  
powers of the  
commission.

**26. (1)** The Commission may, in consultation with the Central Government, make rules for carrying out purposes of Chapter III of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Commission may provide rules for all or any of the following matters, namely—

(i) The form and manner of making an application for a License, the fees to be paid for its grant or renewal, and the conditions subject to which it may be granted;

(ii) The manner of keeping accounts relating to Online Sports Gaming, the form in which and the intervals at which they shall be submitted to the Commission;

(iii) The restrictions or conditions with regard to the age or other conditions of the persons who may be employed for Online Sports Gaming or may be permitted to play such games online or otherwise take part in the organization or exhibition of such games;

(iv) The restrictions or conditions with regard to the admission of participants and the fees, if any, to be charged for their admission;

(v) The type of notices to be exhibited and the manner in which they are to be exhibited on the Online Gaming Website;

(vi) The restrictions or conditions with regard to providing credit facilities by the Licensee to participants of Online Sports Gaming and the prohibition or regulation of participation by proxy in Online Sports Gaming;

(vii) The fine to be paid by persons for violating provisions under Chapter III of the Act; and

(viii) Any other matter which is required to be or may be prescribed.

#### CHAPTER IV

##### MISCELLANEOUS

Overriding  
effect.

**27.** The provisions of this Act, shall be in addition to and not in derogation of the provisions of any other law for the time being in force and, in case of any inconsistency, the provisions of this Act shall have overriding effect on the provisions of any such law to the extent of the inconsistency.

Power to  
remove any  
difficulty.

**28.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removal of the difficulty.

**29.** (1) The Central Government may, by notification published in the Official Gazette make rules to carry out the provisions of this Chapter;

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the time within which a person shall inform the appropriate authority or the police as the case may be, or team management or National Sports Federation;

(b) manner in which the complaint is to be made under clause (a) of sub-section (1) of section 9;

(c) manner in which the complaint is to be made under clause (b) of sub-section (1) of section 9;

(d) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Laying period  
for Rules  
made under  
this Act.

#### STATEMENT OF OBJECTS AND REASONS

India has a rich heritage with a diverse range of sports. Sports is not only an important source of entertainment, but it also imparts values of hard-work, discipline and of co-operation. It encourages social cohesion, and is an important catalyst in bringing societies together. Sports contributes to national integration and is a significant component of a country's soft power. The proliferation of sports also helps in creating employment, and enables people to make a living using their mental and physical skills and talents.

The integrity of sports is essential to preserve its beneficial aspects. Sports integrity is increasingly under threat due to unabated acts of sports fraud and corruption. The existing legal framework has failed to address the specific problem of sports fraud, and prosecutions involving allegations of manipulation of sports have collapsed due to statutory lacunas. Therefore, legislative measures are required to act as a bulwark against any attempt to manipulate a sporting event, and to stringently penalize any person involved in sports fraud. The failure to report any information regarding the attempts to commit sports fraud must also be penalized, as such as omissions facilitate criminal activities. The legal mandate against sports fraud should also be applicable to citizens of India participating international sporting events, even though it may be held outside the territory of India.

Sports is a major source of commerce and revenue for many entities, especially in the field of betting or gaming in connection with sporting events. Studies estimate that the market for online gaming in India will rise to \$1 billion by 2021. The increasing commercial nature of sports, increases the possibility of vested interests manipulating sporting events in order to accrue financial gains. A complete prohibition on betting on sports has not been a successful approach in many jurisdictions, rather it has driven the market further into the black economy. The law must adopt a regulatory approach and establish a regulatory framework, to effectively demarcate the lines of permissible conduct in the field of betting or gaming in connection with a sporting event.

Betting and gambling are State Subjects however, the Parliament of India has the legislative competence to enact a law to govern online betting and gambling in light of its powers under Entry 31 of List 1 of the Seventh Schedule to the Constitution, as explained in the 276th Report of the Law Commission of India. The need of the hour is a comprehensive regulatory framework, overseen by a competent regulatory body, to check the flow of black money in online sports gaming, and to curb any illegal activities in connection with it. Apart from the check on criminal activities, the regulation of online sports gaming may encourage investment in the sector, which in turn can lead to technological advancements as well as revenue and employment generation.

Hence, this Bill.

NEW DELHI;  
November 20, 2018

SHASHI THAROOR

#### FINANCIAL MEMORANDUM

Clause 11 of this Bill provides for establishment of the Online Sports Gaming Commission. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about one hundred crore per annum from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 11, 25 and 28 of the Bill empower the Central Government and the Online Sports Gaming Commission, respectively to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 255 OF 2018

*A Bill further to amend certain enactments to emphasise on the agency of a woman in her sexual and reproductive rights and to guarantee menstrual equity for all women by the State.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

### CHAPTER I

#### PRELIMINARY

Short title and commencement.

**1. (1)** This Act may be called the Women's Sexual, Reproductive and Menstrual Rights Act, 2018.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

## CHAPTER II

### AMENDMENTS OF THE INDIAN PENAL CODE, 1860

45 of 1860.

**2. In section 375 of the Indian Penal Code, 1860,—**

Amendment  
of section 375.

(a) for the words "Fourthly.—With her consent, when the man knows that he is not her husband and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married", the words "Fourthly.—With her consent, when the man knows that he is not the person she believes she has given consent to engage in sexual intercourse or sexual acts and that her consent is given because she believes that he is another man with whom she wants to engage in sexual intercourse or sexual acts."; shall be substituted;

(b) Exception 2 shall be omitted; and

(c) after the proviso to *Explanation 2*, the following proviso shall be inserted, namely:—

"Provided that the women's ethnicity, religion, caste, education, profession, clothing preference, entertainment preference, social circle, personal opinion, past sexual conduct or any other related grounds shall not be a reason to presume her consent to the sexual activity."

## CHAPTER III

### AMENDMENTS TO THE MEDICAL TERMINATION OF PREGNANCY ACT, 1971

34 of 1971.

**3. For the short title of the Medical Termination of Pregnancy Act, 1971 (hereinafter referred to as the principal Act in this Chapter), the following short title shall be substituted, namely:—**

Amendment  
of short title.

"This Act may be called the Legal Termination of Pregnancy Act, 1977."

**4. For the long title of the principal Act, the following long title shall be substituted, namely:—**

Amendment  
of long title.

"An Act to provide for the legal termination of pregnancies by both medical and surgical methods by registered health care providers and medical practitioners and for matters connected therewith or incidental thereto."

**5. In section 2 of the principal Act, after clause (d), the following clause shall be inserted, namely:—**

Amendment  
of section 2.

"(e) "registered health care provider" means—

(i) a registered medical practitioner; or

(ii) a practitioner who possesses any recognized medical qualification of Ayurveda, Unani or Siddha as defined in clause (h) of section 2 of the Indian Medicine Central Council Act, 1970 and whose name has been entered in the Central Register or State Register of Indian medicine; or

48 of 1970.

(iii) a practitioner who possess any recognized medical qualification of Homoeopathy as defined in clause (g) of section 2 of the Homoeopathy Central Council Act, 1973 and whose name has been entered in the Central Register or State Register of Homeopathy; or

59 of 1973.

(iv) a nurse or auxiliary nurse midwife who possesses any recognized qualification in general nursing or auxiliary nurse midwifery as defined in section 10 of the Indian Nursing Council Act, 1947 and who has been enrolled as a nurse or auxiliary nurse midwife in the Indian Nurses Register or the State Register;

48 of 1947.

and who has such training and experience to terminate the pregnancy as may be prescribed by rules made under this Act.

(f) "prescribed" means prescribed by rules made under this Act; and

(g) "termination of pregnancy" means a procedure to terminate a pregnancy by using medical or surgical methods."

**A m e n d m e n t  
of section 3.**

**6. In section 3 of the principal Act,—**

(a) in sub-section (1), for the words "registered medical practitioner", the words "registered health care provider";

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) Subject to the provision of sub-section (4), a pregnancy may be terminated.

(a) medically by a registered health care provider, who is affiliated to a place as described under section 4, where the length of her pregnancy does not exceed twelve weeks; or

(b) surgically by a medical practitioner where the length of her pregnancy does not exceed twelve weeks; or

(c) by a registered medical practitioner, where the length of the pregnancy does not exceed twenty weeks, if not less than one registered medical practitioner is of the opinion, formed in good faith, that,—

(i) the continuance of the pregnancy would involve a risk to the life of the pregnant woman or of grave injury to her physical or mental health; or

(ii) there is a substantial risk that if the child were born, it would suffer from such physical, mental or genetic abnormalities, as may be prescribed.

*Explanation 1.*—Where any pregnancy is alleged by the pregnant woman to have been caused by rape, the anguish caused by such pregnancy shall be presumed to constitute a grave injury to the mental health of the pregnant woman.

*Explanation 2.*—Where any pregnancy occurs as a result of failure of any device or method used by any woman or her partner for the purpose of limiting the number of children, the anguish caused by such unwanted pregnancy may be presumed to constitute a grave injury to the mental health of the pregnant woman by a registered medical practitioner; or

(d) where the length of pregnancy does not exceed twenty-four weeks and the woman falls in the categories of a survivor of rape, person with disability or any other related grounds as may be prescribed by a registered medical practitioner; or

(e) if not less than two registered medical practitioners are of the opinion, formed in good faith, that the termination of pregnancy is necessitated,—

(i) to save the life of the pregnant woman; or

(ii) by the diagnosis of a fatal foetal abnormality incompatible with healthy living and life as may be prescribed; and

(f) where a child survivor of rape is pregnant, if not less than two registered medical practitioners are of the opinion that the termination of pregnancy will not involve a risk to her life.

**7.** In section 4 of the principal Act, for the word "No", the words "Save as otherwise provided in section 3(2)(a), no" shall be substituted.

Amendment of section 4.

**8.** For section 5 of the principal Act, the following section shall be substituted by, namely:—

Amendment of section 5.

"5. (I) No person shall reveal the name and other particulars of a woman who may intend to terminate her pregnancy or terminates her pregnancy as per this Act.

(2) Whoever contravenes the provisions of sub-section (a), such person shall be punished with imprisonment for a term which may extend to one year, or with fine of minimum five thousand rupees subject to a maximum of ten lakh rupees, or with both.

Ban of revelation of identity of women who intend to terminate pregnancy or terminate pregnancy.  
Amendment of section 6.

**9.** In section 6 of the principal Act, in sub-section (2),—

(a) in clause (a) for the words "registered medical practitioner", the words "registered health care provider" shall be substituted; and

(b) after clause (a), the following clauses shall be inserted, namely:—

"(aa) the training and experience to terminate pregnancy of registered health care providers under sub-section (e) of section 2; and

(ab) the categories of physical, mental and genetic abnormalities under sub-clause (i) of clause (b) of sub-section (2) of section 3; and

(ac) the additional categories of woman under clause (c) of sub-section (2) of section 3; and

(ad) the categories of fatal foetal abnormality incompatible with healthy living and life under sub-clause (ii) of clause (d) of sub-section (2) of section 3;".

**10.** In section 7 of the principal Act, in sub-section (I),—

Amendment of section 7.

(a) in clause (a), for the words "registered medical practitioner", the words "registered health care provider" shall be substituted.

(b) in clause (b) for the words "registered medical practitioner", the words "registered health care provider" shall be substituted.

**11.** In section 8 of the principal Act for the words "registered medical practitioner", the words "registered health care provider" shall be substituted.

Amendment of section 8.

#### CHAPTER IV

##### AMENDMENT TO THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009

**12.** In the Schedule to the Right of Children to Free and Compulsory Education Act, 2009, in entry 2, in column (3) under the heading "Norms and Standards", after the words

Amendment of Schedule.

and figures "(iii) separate toilet for boys and girls;"; the words and figures "(iiia) sanitary pads, preferably in the toilet for girls, which shall be provided at no cost to individuals who may use such facility," shall be inserted.

## CHAPTER V

### MENSTRUAL EQUITY FOR ALL WOMEN

Duty to provide  
sanitary pads.

**13.** Every public authority, as defined by sub-section (h) of section 2 of the Right to Information Act, 2005, shall make available sanitary pads, preferably in the toilet for women, which shall be provided at no cost to individuals in the premises of the public authority.

22 of 2005.

#### STATEMENT OF OBJECTS AND REASONS

Women, the biological equal half in the procreation of human beings, had been confined to just that for millenniums and even in that they had no autonomy. When they broke socio-cultural shackles and went on to govern countries, fight wars and excel in professions, these few exceptions were considered as enough representation. Society is content with the minimal representation of women in different spheres, even though they constitute half the population of the country. Women have been made vulnerable by the social construct of patriarchy, leading to their exclusion in every other social space. Unless we account for these inequalities and deconstruct patriarchal notions, we will fail in our constitutional mandate to ensure everyone's right to access justice.

In furthering this equality, the autonomy of the woman must be rightfully restored to her by granting her the agency over her sexual and reproductive rights. For this, marital rape must be criminalized to eliminate the loss of a woman's sexual independence post marriage. Further, unrelated facts about a woman's life such as caste, profession, clothing preference, personal opinion and past sexual conduct, among others should not be factors in presuming her sexual consent. By shifting from a 'No means No' to a 'Yes means Yes' regime, it transforms us from an era of women having to actively fight for them to be treated with respect and dignity to an era where they will be treated with respect and dignity.

Similarly, even with respect to reproductive rights, a woman must have the right to terminate pregnancy as a norm rather than an exception. A woman's right to terminate pregnancy should be only restricted to avoid female foeticide and when a foetus gains the right to life after it becomes viable. In all other circumstances, including when the foetus or the pregnant woman has any injury or threat to life, or when a woman is a rape survivor or has a disability, she should have the right to terminate her pregnancy. There must be no unnecessary distinction in the right to terminate pregnancy between married and unmarried women. To ensure women, especially rural women, can successfully exercise this right, the procedure must be relaxed accordingly. A major hurdle in the termination of pregnancy is the social stigma attached to it, which should be removed by absolutely protecting the privacy of a woman who intends to or terminates her pregnancy under the Medical Termination of Pregnancy Act, 1971.

Another major source of inequality is the absence of access to menstrual hygiene products that puts girls out of schools and women out of the work force, pushing them into the vicious cycle of dependency. The absence of an equivalent reproductive process in men has resulted in our failure to consider the lack of facility for women's menstrual hygiene. We have failed to admit that this biological process is a role women play for the subsistence of the human species as a whole. This disparity can be eradicated by obligating schools and public authorities to supply sanitary pads free of cost to any girl or women in their facilities.

Hence this Bill.

NEW DELHI;  
November 19, 2018.

SHASHI THAROOR

#### FINANCIAL MEMORANDUM

Clause 12 of the Bill stipulates the provisions of sanitary pads free of cost by schools under the Right of Children to Free and Compulsory Education Act, 2009. Clause 13 provides for provision of sanitary pads free of cost preferably in the toilet for women in the premises of every public authority. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India.

It is estimated that a recurring expenditure of about Rupees one hundred crore per annum, will be involved out of the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

## BILL NO. 164 OF 2018

*A Bill to provide for the use of official languages in the proceedings of the Supreme Court, High Courts and district courts and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

**1. (1)** This Act may be called the Supreme Court, High Courts and 'District Courts (Use of Official Languages) Act, 2018. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by a notification in the Official Gazette, appoint.

**2.** In this Act, unless the context otherwise requires,—

Definitions.

(a) "appointed day" means the date as may be notified by the appropriate Government for the purposes of this Act;

(b) "appropriate Government" means—

(i) in the case of the Supreme Court and the High Courts, the Central Government; and

(ii) in the case of a district court, the State Government concerned;

(c) "district court" includes the courts subordinate thereto established in the States by the High Court concerned;

(d) "document" means document as defined in section 3 of the Indian Evidence Act, 1872;

(e) "High Court" means a Court as defined in clause (14) of article 366 or established under article 231 of the Constitution and includes its benches;

(f) "official language" means the official language of the Union under article 343 of the Constitution and includes the language in use for official purposes in any State;

(g) "party" includes any person authorized by the party to the matter or an advocate for the party;

(h) "proceedings" include pleadings, petition, application, appeal, reference, revision, review, affidavit, counter affidavit, other documents filed or received during course of conduct of the matter, appearance, leading of arguments, during hearing in any matter, judgment, decree or order and such other matters as may be prescribed by the Supreme Court, High Courts or district court, as the case may be; and

(i) "Supreme Court" means the Supreme Court of India.

**3. (1)** From the appointed day, any party to the proceedings before the Supreme Court or any High Court or district court, as the case may be, shall have the right to prefer the official language in conduct of such proceedings in that court.

(2) The party to the proceedings shall make an application to the Supreme Court, High Court or district court for the conduct of the proceedings in the official language in such manner as may be laid down by the Supreme Court or the High Court or district court concerned, as the case may be.

**4. (1)** Where any party to the proceedings has made preference for the conduct of proceedings in official language, the Supreme Court or High Court or district court, as the case may be, shall conduct proceedings before it in that official language.

(2) The Supreme Court, High Court or district court, as the case may be, may lay down by rules the procedure for conduct of proceedings in the official language:

Provided that such procedure shall not entail any additional expense on any party to the case for conducting such proceedings in the official language.

**5.** The appropriate Government shall take such measures as may be necessary to ensure availability of requisite infrastructure in the Supreme Court, High Courts and district courts for the conduct of proceedings in the official language.

*Explanation.*—For the purpose of this section, requisite infrastructure includes appropriate translation and typing facility in the official language and such other facilities as may be necessary for conduct of the proceedings in the official languages.

Right of the party to prefer official language during the course of proceedings.

Conduct of proceedings in the Supreme Court, High Courts and District Courts.

Measures by appropriate Government for providing requisite infrastructure.

#### STATEMENT OF OBJECTS AND REASONS

Article 345 of the Constitution provides that the Legislature of a State may by law adopt any one or more of the languages in use in the State or Hindi as the language or languages to be used for all or any of the official purposes of that State.

Article 350 provides that every person shall be entitled to submit a representation for the redress of any grievance to any officer or authority of the Union or a State in any of the languages used in the Union or in the State, as the case may be.

Article 351 provides that it shall be the duty of the Union to promote the spread of the Hindi language, to develop it so that it may serve as a medium of expression for all the elements of the composite culture of India and to secure its enrichment by assimilating without interfering with its genius, the forms, style and expressions used in Hindustani and in the other languages of India specified in the Eighth Schedule, and by drawing, wherever necessary or desirable, for its vocabulary, primarily on Sanskrit and secondarily on other languages.

Nonetheless, article 348 provides that Parliament may, by law provide for the use of language other than English for the proceedings in the Supreme Court and High Courts. However, at present all the work in the Courts is being transacted in English language only. It is a matter of concern for most of the persons in the country. Until and unless the petitioner is able to understand the language of the hearing, right to just hearing cannot be ensured. There is a legal saying that justice should not only be done, but it should also be seen to be done. Everyone has a right to get justice in the language he is well versed.

Hence this Bill.

NEW DELHI;  
August 3, 2018.

GOPAL CHINAYYA SHETTY

#### FINANCIAL MEMORANDUM

Clause 5 of the Bill provides that the appropriate Government shall take such measures as may be necessary for ensuring availability of requisite infrastructure in the Supreme Court, High Courts and district courts within its jurisdiction for conduct of proceedings in the official language in the Supreme Court, High Courts and district courts, as the case may be. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. However, at this stage, it is not possible to quantify the exact amount of recurring and non-recurring expenditure likely to be involved.

## BILL NO. 159 OF 2018

*A Bill further to amend the constitution of India.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

**1.** This Act may be called the Constitution (Amendment) Act, 2018. Short title.

**2.** Article 44 of the Constitution shall be omitted. Omission of article 44.

**3.** After Part IVA of the Constitution, the following Part and articles thereunder shall be inserted, namely:— Insertion of new Part IVB.

### "PART IVB

#### UNIFORM CIVIL LAW

**51B.** In this Part, unless the context otherwise requires, "the State" has the same meaning as in Part III. Definition.

**51C.** The State shall secure for the citizen a uniform civil code throughout the territory of India.". Uniform civil code for the citizens.

#### STATEMENT OF OBJECTS AND REASONS

The Constitution-makers, while framing the Constitution of India, gave a direction to the Governments, Legislatures and other authorities that they shall endeavour to make uniform civil laws for all citizens throughout the country. The intention behind this was that when secularism was the avowed object of the Constitution, there should not be various civil laws based on different religions. Moreover, our country is not a theocratic State. It has no State religion. However, various civil laws in force at present are based on different religions.

As the direction to the Government to make uniform civil law is in the Directive Principles of State Policy, it is not enforceable in any court of law and as such no attempt has been made to bring uniform civil code. To ensure uniformity, equality and social justice, it is imperative that a uniform civil code should be brought at the earliest. This Bill accordingly seeks to amend the Constitution.

NEW DELHI;  
*August 3, 2018*

GOPAL CHINAYYA SHETTY

## BILL NO. 154 OF 2018

*A Bill to provide for the constitution of a Board for the development of export of pineapple and for the control of pineapple industry including the control of cultivation of pineapple and for matters connected therewith.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

### CHAPTER I

#### PRELIMINARY

- 1.** (1) This Act may be called the Pineapple Board Act, 2018.  
(2) It extends to the whole of India.  
(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,  
extent and  
commencement.

- 2.** In this Act, unless the context otherwise requires,—

Definitions.

(a) "Board" means the Pineapple Board constituted under sub-section (1) of section 3;

(b) "certificate" means a certificate granted under section 9;

- (c) "dealer" means a dealer of pineapple;
  - (d) "estate" means the area administered as one unit which contains land planted with pineapple plants;
  - (e) "export" and "import" means, respectively, taking out of or bringing into India by land, sea and air;
  - (f) "manufacturer" means a manufacturer of pineapple;
  - (g) "member" means a member of the Board appointed under sub-section (3) of section 3;
  - (h) "owner", in relation to any land planted with pineapple plants, includes—
    - (i) any agent of the owner; and
    - (ii) a mortgagee, lessee or other person in actual possession of the land;
  - (i) "pineapple" means the fruit of pineapple plant and includes all the varieties specified in the Schedule:
- Provided that the Central Government may, if satisfied that it is necessary or expedient in the public interest to do so, by notification in the Official Gazette, add any other pineapple variety to the Schedule;
- (j) "pineapple plant" means *Ananas Comosus* which the Board may, by notification in the Official Gazette, declare to be a pineapple plant for the purposes of this Act; and
  - (k) "prescribed" means prescribed by rules made under this Act.

## CHAPTER II

### THE PINEAPPLE BOARD

Constitution  
and incorpo-  
ration of the  
Board.

**3. (1)** The Central Government shall, by notification in the Official Gazette, constitute, for the purposes of this Act, a Board, to be called the Pineapple Board.

**(2)** The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of this Act, and shall, by the said name, sue and be sued.

**(3)** The Board shall consist of such number of members, not exceeding thirty-two, as may be prescribed, and unless the rules made in this behalf otherwise provide, the Board shall consist of the following members, namely:—

- (a) a Chairperson;
- (b) three Members of Parliament, of whom two shall be elected by the House of the People and one by the Council of States;
- (c) three members to represent respectively, the Ministries of the Central Government dealing with—
  - (i) Commerce;
  - (ii) Agriculture; and
  - (iii) Finance;
- (d) six members to represent growers of pineapple;
- (e) eleven members to represent the exporters of pineapple;
- (f) three members to represent major pineapple producing States; and
- (g) five members, of which three members/scientists to represent the Scientific Research Institutes from pineapple producing States and two members/scientists from Indian Council of Agricultural Research (ICAR).

(4) The office of member of the Board shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament.

(5) The salary and allowances payable to and other terms and conditions of service of members shall be such as may be prescribed.

(6) The Chairperson shall, in addition to presiding over the meetings of the Board, exercise and discharge such powers and duties of the Board as may be delegated to him by the Board and such other powers and duties as may be prescribed.

(7) The Board shall elect from among its members a Vice-Chairperson who shall exercise such of the powers and perform such of the functions of the Chairperson as may be prescribed or as may be delegated to him by the Chairperson.

(8) No act or proceeding of the Board shall be invalidated merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the Board;

(b) any defect in the appointment of a person acting as a member of the Board;

(c) any irregularity in the procedure of the Board not affecting the merits of the case.

**4. (1)** The Board may appoint the Secretary and such other officers and employees as it considers necessary for the efficient discharge of its functions under this Act.

Secretary and  
other  
officers.

(2) The salary and allowances payable to and other terms and conditions of service of the Secretary and other officers and employees of the Board shall be such as may be determined by regulations.

**5. (1)** Subject to any rules made in this behalf, the Board may, from time to time, constitute such advisory committees as may be necessary for the efficient discharge of its functions.

Advisory  
Committees.

(2) Every committee constituted under sub-section (1) shall consist of such number of persons as the Board may deem fit.

**6. (1)** The Board may—

Functions of  
the Board.

(i) develop, promote and regulate export of pineapple;

(ii) grant certificate for export of pineapple and register brokers therefor;

(iii) undertake programmes and projects for promotion of export of pineapple;

(iv) assist and encourage studies and research for improvement of processing, quality, techniques of grading and packaging of pineapple;

(v) strive towards stabilization of prices of pineapple for export;

(vi) evolve suitable quality standards and introduce certification of quality through "Quality Marking" for pineapple for export;

(vii) control quality of pineapple for export;

(viii) give licences, subject to such terms and conditions as may be prescribed, to the manufacturers of pineapple for export;

(ix) market pineapple, if it considers necessary, in the interest of promotion of export;

(x) provide warehousing facilities abroad for pineapple;

(xi) collect statistics with regard to pineapple for compilation and publication;

(xii) import, with the previous approval of the Central Government, pineapple for sale; and

- (xiii) advise the Central Government on matters relating to import and export of pineapple.
- (2) Without prejudice of provisions of sub-section (1), the Board may also—
- (i) promote co-operative efforts among pineapple farmers;
  - (ii) provide loans to farmers for sowing, as well as ensuring a Minimum Support Price (MSP) for pineapple farmers and also facilitating insurance for the Pineapple crop and ensuring timely storage of harvested crop in godowns/warehouses.
  - (iii) provide financial assistance for improved methods of research to create better yielding varieties of Pineapple crop;
  - (iv) regulate the sale of pineapple and stabilization of prices of pineapple;
  - (v) provide training in pineapple testing and fixing grade standards of pineapple;
  - (vi) increase the consumption of pineapple and facilitating advertising and marketing strategies;
  - (vii) register and licence brokers (including auctioneers) of pineapple and persons engaged in the business of pineapple;
  - (viii) improve the marketing of pineapple;
  - (ix) collect statistics from growers, dealers and such other persons as may be prescribed on any matter relating to the pineapple industry; publish statistics so collected or portions thereof or extracts therefrom;
  - (x) secure better working conditions and the provision and improvement of amenities and incentives for workers; and
  - (xi) undertake, assist or encourage scientific, technological and economic research.

**7. (1)** Every owner of land planted with pineapple plants, whether such land is comprised in one estate or more than one estate, shall, before the expiration of one month from the date on which he first became owner of such estate or estates, apply to the registering officer appointed in this behalf by the State Government to be registered as an owner in respect of each estate owned by him:

Provided that the State Government may, for sufficient reasons, extend the time-limit for registration by such period as it thinks fit.

**(2)** Registration once made shall continue to be in force until it is cancelled by the registering officer.

**8. (1)** A registered owner shall furnish returns to the Board in such form, at such times and in such manner as may be prescribed.

**(2)** The Board may authorize an officer to visit any farmland/estate at any time to verify the accuracy of any return made under this section or to ascertain the productive capacity of the farmland/estate.

### CHAPTER III

#### CERTIFICATE FOR EXPORT OF PINEAPPLE

**9.** Save as otherwise provided in this Act, no person shall, after the commencement of this Act, commence or carry on the business of export of pineapple, except under and in accordance with a certificate:

Provided that a person carrying on the business of export of pineapple immediately before the commencement of this Act, may continue to do so for a period of three months from such commencement; and if he has made an application for such certificate

Registration  
of pineapple  
farmers.

Returns to be  
made by  
registered  
owners.

No person to  
export  
pineapple  
without  
certificate.

within the said period of three months till the disposal of such application.

*Explanation.*—The reference in this section to the commencement of this Act shall be construed in relation to any variety of pineapple added to the Schedule by notification as reference to the date with effect from which such variety of pineapple is added to the Schedule.

**10. (1)** An application for grant of certificate shall be made to the Board in such form and shall contain such particulars as may be prescribed and shall be accompanied by a receipt evidencing the payment of the prescribed fee.

Grant of certificate.

(2) On receipt of such application, the Board shall —

(a) if the application is not in the prescribed form or does not contain any of the prescribed particulars, return the application to the applicant; or

(b) if the application is in the prescribed form and contains the prescribed particulars, grant the certificate subject to such terms and conditions as may be determined by regulations.

**11. (1)** The Board may cancel any certificate on any one or more of the following grounds, namely:—

Cancellation, suspension, etc. of certificate.

(a) that the holder of the certificate has violated any of the terms and conditions of the certificate; and

(b) that in the opinion of the Central Government it is necessary in the interests of general public to cancel the certificate.

(2) Where the Board, for reasons to be recorded in writing, is satisfied that pending consideration of the question of cancelling the certificate on any grounds mentioned in sub-section (1), it is necessary so to do, the Board may, by order in writing, suspend the operation of the certificate for such period not exceeding forty-five days as may be specified in the order and require the holder of the certificate to show cause, within fifteen days from the date of receipt of such order, as to why the suspension of the certificate should not be extended till the determination of the question as to whether the registration should be cancelled.

(3) No order of cancellation of registration under this section shall be made unless the person concerned has been given a reasonable opportunity of being heard in respect of the grounds for such cancellation.

**12.(1)** Any person aggrieved by an order made under section 9 may prefer an appeal to the Central Government within such period as may be prescribed.

Appeal.

(2) No appeal shall be admitted if it is preferred after the expiry of the period prescribed therefore:

Provided that an appeal may be admitted after the expiry of the period prescribed therefore if the appellant satisfies the Central Government that he had sufficient cause for not preferring the appeal within the prescribed period.

(3) Every appeal made under this section shall be made in such form and shall be accompanied by a copy of order appealed against and by such fees as may be prescribed.

(4) The procedure for disposing of an appeal shall be such as may be prescribed:

Provided that before disposing of an appeal, the appellant shall be given a reasonable opportunity of being heard.

(5) The Central Government may confirm, modify or reverse the order appealed against.

**13.** The Central Government may, if satisfied that it is necessary or expedient, so to do, in public interest, by notification in the Official Gazette and subject to such conditions, if any, as may be specified therein, permit anybody or other agency to commence or carry on the business of export of pineapple without a certificate.

Power to permit export without certificate.

## CHAPTER IV

### CONTROL BY THE CENTRAL GOVERNMENT

Power to control price and distribution of pineapple.

**14.** (1) The Central Government may, by order published in the Official Gazette, fix in respect of pineapple of any description specified therein—

(a) the maximum price or the minimum price, or the maximum and minimum prices, which may be charged by a pineapple farmer or pineapple dealer, wholesale or retail, whether for the Indian market or for export; and

(b) the maximum quantity which may in one transaction be sold to any person.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), any order made thereunder may provide—

(a) for requiring persons engaged in the production, supply or distribution of, or trade and commerce in, pineapple to maintain and produce for inspection such books, accounts and records relating to their business and to furnish such information relating thereto as may be specified in the order; and

(b) for such other matters, including in particular the entering and search of premises, vehicles, vessels and aircraft, and the seizure by a person authorised to make such search, of pineapple in respect of which such person has reason to believe that a contravention of the order has been, is being or is about to be, committed.

Power to prohibit or control import of pineapple.

**15.** The Central Government may, by order published in the Official Gazette, make provision for prohibiting, restricting or otherwise controlling the import of pineapple, either generally or in specified classes of cases.

Power of the Central Government to issue directions.

**16.** (1) Without prejudice to the foregoing provisions of this Act, the Board shall, in the discharge of its functions and duties under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time:

Provided that the Board shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government whether a question is one of policy or not shall be final.

Power of the Central Government to supersede the Board.

**17.** (1) If at any time the Central Government is of opinion—

(a) that on account of grave emergency, the Board is unable to discharge the functions and duties imposed on it by or under the provisions of this Act; or

(b) that the Board has persistently made default in complying with any direction issued by the Central Government under this Act or in the discharge of the functions and duties imposed on it by or under the provisions of this Act and as a result of such default the financial position of the Board or the administration of the Board has deteriorated; or

(c) that circumstances exist which render it necessary in the public interest so to do, the Central Government may, by notification in the Official Gazette, supersede the Board for such period, not exceeding six months, as may be specified in the notification.

(2) Upon the publication of a notification under sub-section (1) superseding the Board,—

(a) all the members shall, as from the date of supersession, vacate their offices as such;

(b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the Board, shall until the Board

is reconstituted under sub-section (3), be exercised and discharged by such person or persons as the Central Government may direct; and

(c) all property owned or controlled by the Board shall, until the Board is reconstituted under sub-section (3), vest in the Central Government.

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government may reconstitute the Board by a fresh appointment and in such case any person or persons who vacated their offices under clause (a) of sub-section (2), shall not be deemed disqualified for appointment:

Provided that the Central Government may, at any time, before the expiration of the period of supersession, take action under this sub-section.

(4) The Central Government shall cause a notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before each House of Parliament at the earliest.

## CHAPTER V

### FINANCE, ACCOUNTS AND AUDIT

**18.** The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Board grants and loans of such sums of money as it may consider necessary.

Grants and  
loans by the  
Central  
Government.

**19. (1)** There shall be constituted a Fund to be called the Pineapple Board Fund and there shall be credited thereto—

Constitution  
of Pineapple  
Board Fund.

(a) any grants and loans made to the Board by the Central Government under section 16;

(b) all fees levied and collected in respect of Certificates granted under this Act; and

(c) all sums received by the Board from such other sources as may be decided upon by the Central Government.

(2) The Fund shall be applied for meeting—

(a) salary, allowances and other remuneration of the members, officers and other employees of the Board;

(b) expenses of the Board in the discharge of its functions under section 6; and

(c) expenses on objects and for purposes authorized by this Act.

**20.** The Board shall prepare in such form and at such time each financial year, as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Board and forward the same to the Central Government.

Budget.

**21.** The Board shall prepare, in such form and at such time each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year, and submit a copy thereof to the Central Government.

Annual  
report.

**22.** The accounts of the Board shall be maintained and audited in such manner as may, in consultation with the Comptroller and Auditor-General of India, be prescribed and the Board shall furnish to the Central Government before such date, as may be prescribed, its audited copy of accounts together with the auditors' report thereon.

Accounts and  
audit.

**23.** The Central Government shall cause the annual report and auditor's report to be laid, as soon as may be after they are received, before each House of Parliament.

Annual report  
and auditors'  
report to be  
laid before  
Parliament.

## CHAPTER VI

### MISCELLANEOUS

**Penalty for making false returns.**

**Penalties for obstructing an officer or member of the Board in discharging of his duties and for failure to produce books and records.**

**Penalty for contravention of order relating to control of price, etc.**

**Penalties for contravention of section 7 or any order made under section 12.**

**Other penalties.**

**Offences by companies.**

**24.** Any person who being required by or under this Act to furnish any return fails to furnish such return or furnishes a return containing any particular which is false and which he knows to be false or does not believe to be true shall be punishable with fine which may extend to five hundred rupees.

**25.** Any person who—

(a) obstructs any member authorised by the Chairperson in writing or any officer or other employee of the Board authorised by it in this behalf or any person authorised in this behalf by the Central Government or by the Board, in the exercise of any power conferred, or in the discharge of any duty imposed, on him by or under this Act; or

(b) having control over or custody of any account book or other record, fails to produce such book or record when required to do so by or under this Act, shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

**26. (1)** If any person contravenes any order made under section 11, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both; and the property in respect of which the order has been contravened or such part thereof as the Court may deem fit, shall be forfeited to the Central Government.

**(2)** Any person who attempts to contravene, or abets the contravention of, any order under section 11 shall be deemed to have contravened that order.

**27.** If any person contravenes the provisions of section 7 or any order made under section 12 he shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Customs Act, 1962, be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

**28.** Whoever contravenes or attempts to contravene or abets the contravention of the provisions of this Act or of any rules or regulations made thereunder other than the provisions, punishment for the contravention whereof has been provided for in sections 21, 22, 23 and 24, shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both, and in the case of a continuing contravention with an additional fine which may extend to fifty rupees for every day during which such contravention continues after conviction for the first such contravention.

**29.(1)** Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

**(2)** Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*— For the purposes of this section,—

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

**30.** The Board may, by general or special order in writing, delegate to the Chairperson or any other member or to any officer of the Board, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under this Act.

Delegation.

**31.** All members, officers and other employees of the Board shall be deemed, when Acting or purporting to Act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

Members,  
officers and  
employees of  
the Board to  
be public  
servants.

**32.** No prosecution or other legal proceeding shall lie against the Government, or the Board or any committee appointed by it, or any member of the Board or such committee, or any officer or employee of the Government or the Board or any other person authorised by the Government or the Board, for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

Protection of  
action taken  
in good faith.

**33.** Subject to any rule made in this behalf, any person, generally or specially authorised by the Board in this behalf, may, whenever it is necessary so to do, for any of the purposes of this Act, at all reasonable times, enter upon any land or premises and make any inspection or inquiry or do such other Act or thing as may be prescribed:

Power to  
enter.

Provided that no such person shall enter any building or any enclosed courtyard or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving such occupier at least twenty-four hours' notice in writing of his intention to do so.

Power to  
make rules.

**34. (1)** The State Government may, by notification in the Official Gazette, make rules to carry into effect the provisions of section 7.

(2) Without prejudice to the generality of the foregoing power, such rules may prescribe the form of the application for registration and for cancellation of registration, the fee payable on such applications, the particulars to be included in such application, the procedure to be followed in granting and cancelling registration, the registers to be kept by registering officers and the supply by registering officer.

(3) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(4) Without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely:—

(a) the number of members of the Board under sub-section (3) of section 3;

(b) the salary and allowances payable and other conditions of service of the members of the Board under sub-section (5) of section 3;

(c) the powers and duties of the Chairperson under sub-section (6) of section 3;

(d) the powers and functions of the Vice-Chairperson under sub-section (7) of section 3;

(e) the constitution of committees under section 5;

(f) the terms and conditions for giving licences to manufacturers of pineapple for export under clause (viii) of sub-section (1) of section 6;

(g) the form of the application and the fees under sub-section (1) of section 8;

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- (h) the period of limitation for appeal under sub-section (1) of section 12;
- (i) the form of appeal and the fees payable under sub-section (3) of section 12;
- (j) the procedure for disposal of appeal under sub-section (4) of section 12; and
- (k) any other matter which is to be, or may be, prescribed or in respect of which provision is to be, or may be, made by rules.

Power to make regulations.

**35.** (1) The Board may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations consistent with this Act and the rules generally to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

- (a) the salary and allowances payable to, terms and conditions of service of the Secretary and other officers and employees of the Board under sub-section (2) of section 4; and
- (b) the terms and conditions under which the certificate may be granted under sub-section (2) of section 10.

Rules and regulations to be laid before Parliament.

**36.** Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Power to remove difficulties.

**37.** (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

## THE SCHEDULE

[See section 2 (j)]

All cultivators/varieties of pineapple (*Ananas Comosus*) across India and imported high yielding varieties and indigenously developed hybrids.

#### STATEMENT OF OBJECTS AND REASONS

Agriculture is demographically the broadest economic sector and plays a significant role in the overall socio-economic fabric of India. India has witnessed voluminous increase in horticulture production over the last few years. Fruits and vegetables account for nearly ninety *per cent.* of the total horticultural production in the country. Fruit production plays an important role in employment, income generation, export and meets household's nutritional security. Pineapple (*Ananas comosus*) is one of the commercially important fruit crops of India. In addition to serving as a food, with its natural sweetness the pineapple has served in history as a symbol and an artistic motif. It is also used as an ornamental symbolising welcome and opulence. The rarity, reputation, visual attractiveness have made pineapple as an ultimate exotic fruit. Pineapple is grown and yields the best in areas with relatively uniform climate year around. Current production remains restricted to the tropical regions of the world. Presently the total global production in the world is twenty three Million Metric Tonne (MMT) which is produced by approximately eighty countries around the world. In India, the leading pineapple producing States are West Bengal, Assam, Kerala and Karnataka.

In the light of increasing tensions and deadlock at the International Trade Agreements, the setting up of a Pineapple Board would be extremely helpful to speed up the process of attaining a Geographical Indication (GI) tags for indigenous breeds of pineapple varieties. This would also be a significant step in increasing the brand value of Indian pineapple globally.

The constitution of the Pineapple Board is imperative for the following reasons:—

(1) throughout the years pineapple was exported offering surplus foreign exchequer. However, the crop is not being able to be marketed effectively; and

(2) more and more farmers are entering into pineapple farming and hence there is need of a dedicated Board to look into the affairs.

The Bill, therefore, seeks to provide for constitution of a Pineapple Board for the development of export of pineapple and for the control of pineapple industry including the control of cultivation of pineapple.

The Bill seeks to achieve the above objectives.

NEW DELHI;  
July 5, 2018.

JOICE GEORGE

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to provide for constitution of Pineapple Board. Clause 4 provides for appointment of Secretary and other officers and employees to the Board. Clause 5 provides for the constitution of Advisory Committees by the Board. Clause 18 provides for the grants and loans by the Central Government. Clause 19 provides for the constitution of a Pineapple Board Fund. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees one hundred crore per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees two hundred crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to issue orders to control price and distribution of pineapple. Clause 15 empowers the Central Government to issue orders to prohibit or control import of pineapple. Clause 16 empowers the Central Government to issue directions. Clause 17 empowers the Central Government to issue notification to supersede the Board. Clause 34 empowers the Central Government to make rules to carry out the purposes of this Act. Clause 35 empowers the Board, with the previous approval of the Central Government, by notification in the Official Gazette, to make regulations consistent with this Act and the rules generally to carry out the purposes of this Act. As the orders, directions, notifications, rules and regulations will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL No. 153 OF 2018

*A Bill to provide for the constitution of a Board for the development of export of jackfruit and for the control of jackfruit industry including the control of cultivation of jackfruit and for matters connected therewith.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

### CHAPTER I

#### PRELIMINARY

Short title,  
extent and  
commencement.

- 1. (1)** This Act may be called the Jackfruit Board Act, 2018.
- (2)** It extends to the whole of India.
- (3)** It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2.** In this Act, unless the context otherwise requires,—

Definitions.

(a) "Board" means the Jackfruit Board constituted under sub-section (1) of section 3;

(b) "certificate" means a certificate granted under section 8;

(c) "dealer" means a dealer in jackfruit;

(d) "estate" means the area administered as one unit which contains land planted with jackfruit plants;

(e) "export" and "import" means, respectively, taking out of or bringing into India by land, sea and air;

(f) "Jackfruit" means the fruit of jack tree and includes all the varieties specified in the schedule:

Provided that the Central Government may, if satisfied that it is necessary or expedient in the public interest so to do, by notification in the Official Gazette, add any other jackfruit variety to the Schedule;

(g) "Jack tree" means *Artocarpus Heterophyllus* which the Board may, by notification in the Official Gazette, declare to be a jack tree for the purposes of this Act;

(h) "manufacturer" means a manufacturer of jackfruit;

(i) "member" means a member of the Board appointed under sub-section (3) of section 3;

(j) "owner", in relation to any land planted with jackfruit plants, includes—

(i) "any agent of the owner, and

(ii) "a mortgagee, lessee or other person in actual possession of the land; and

(k) "prescribed" means prescribed by rules made under this Act.

## CHAPTER II

### THE JACKFRUIT BOARD

**3. (1)** The Central Government shall, by notification in the Official Gazette, constitute, for the purposes of this Act, a Board to be called the Jackfruit Board.

Constitution  
and  
incorporation  
of the Board.

(2) The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of this Act, and shall, by the said name, sue and be sued.

(3) The Board shall consist of such number of members, not exceeding thirty-two, as may be prescribed and unless the rules made in this behalf otherwise provide, the Board shall consist of the following members, namely:—

(a) a Chairperson;

(b) three Members of Parliament, of whom two shall be elected by the House of the People and one by the Council of States;

(c) three members to represent respectively the Ministries of the Central Government dealing with—

(i) Commerce;

(ii) Agriculture; and

(iii) Finance;

(d) six members to represent growers of jackfruit;

(e) eleven members to represent the exporters of jackfruit;

(f) three members to represent major jackfruit producing States; and

(g) five members, of which three members/scientists to represent the Scientific Research Institutes from jackfruit producing States and two members or scientists from Indian Council of Agricultural Research (ICAR).

(4) The office of member of the Board shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament.

(5) The salary and allowances payable to and other terms and conditions of service of members of the Board shall be such as may be prescribed.

(6) The Chairperson shall, in addition to presiding over the meetings of the Board, exercise and discharge such powers and duties of the Board as may be delegated to him by the Board and such other powers and duties as may be prescribed.

(7) The Board shall elect from among its members a Vice-Chairperson who shall exercise such of the powers and perform such of the functions of the Chairperson as may be prescribed or as may be delegated to him by the Chairperson.

(8) No act or proceeding of the Board shall be invalidated merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the Board;

(b) any defect in the appointment of a person acting as a member of the Board; and

(c) any irregularity in the procedure of the Board not affecting the merits of the case.

**4. (1)** The Board may appoint the Secretary and such other officers and employees as it considers necessary for the efficient discharge of its functions under this Act.

(2) The salary and allowances payable to and other terms and conditions of service of the Secretary and other officers and employees of the Board shall be such as may be determined by regulations.

**5. (1)** Subject to any rules made in this behalf, the Board may, from time to time, constitute such Advisory Committees as may be necessary for the efficient discharge of its functions.

(2) Every Committee constituted under sub-section (1) shall consist of such number of persons as the Board may deem fit.

**6. (1)** The Board may—

(i) develop, promote and regulate export of jackfruit;

(ii) grant certificate for export of jackfruit and register brokers therefor;

(iii) undertake programmes and projects for promotion of export of jackfruit;

(iv) assist and encourage studies and research for improvement of processing, quality, techniques of grading and packaging of jackfruit;

(v) strive towards stabilization of prices of jackfruit for export;

(vi) evolve suitable quality standards and introduce certification of quality through "Quality Marking" for jackfruit for export;

(vii) control quality of jackfruit for export;

(viii) give licences, subject to such terms and conditions as may be prescribed, to the manufacturers of jackfruit for export;

(ix) market jackfruit, if it considers necessary, in the interest of promotion of export;

(x) provide warehousing facilities abroad for jackfruit;

Secretary and  
other officers.

Advisory  
Committees.

Functions of  
the Board.

- (xi) collect statistics with regard to jackfruit for compilation and publication;
  - (xii) import, with the previous approval of the Central Government, jackfruit for sale; and
  - (xiii) advise the Central Government on matters relating to import and export of jackfruit.
- (2) Without prejudice of provisions of sub-section (1), the Board may also—
- (i) promote co-operative efforts among jackfruit farmers;
  - (ii) provide loans to farmers for sowing, as well as ensuring a Minimum Support Price (MSP) for jackfruit farmers and also facilitating insurance for the jackfruit crop and ensuring timely storage of harvested crop in godowns/warehouses.
  - (iii) provide financial assistance for improved methods of research to create better yielding varieties of jackfruit crop;
  - (iv) regulate the sale of jackfruit and stabilization of prices of jackfruit;
  - (v) provide training in jackfruit testing and fixing grade standards of jackfruit;
  - (vi) increase the consumption of jackfruit and facilitating advertising and marketing strategies;
  - (vii) register and licence brokers (including auctioneers) of jackfruit and persons engaged in the business of jackfruit;
  - (viii) improve the marketing of jackfruit;
  - (ix) collect statistics from growers, dealers and such other persons as may be prescribed on any matter relating to the jackfruit industry; publish statistics so collected or portions thereof or extracts therefrom;
  - (x) secure better working conditions and the provision and improvement of amenities and incentives for workers; and
  - (xi) undertake, assist or encourage scientific, technological and economic research.

**7. (1)** Every owner of land planted with jackfruit plants, whether such land is comprised in one estate or more than one estate, shall, before the expiration of one month from the date on which he first become owner of such estate or estates, apply to the registering officer appointed in this behalf by the State Government to be registered as an owner in respect of each estate owned by him:

Provided that the State Government may, for sufficient reasons, extend the time-limit for registration by such period as it thinks fit.

(2) Registration once made shall continue to be in force until it is cancelled by the registering officer.

**8. (1)** A registered owner shall furnish returns to the Board in such form, at such times and in such manner as may be prescribed.

(2) The Board may authorize an officer to visit any farmland/estate at any time to verify the accuracy of any return made under this section or to ascertain the productive capacity of the farmland/estate.

Registration  
of Jackfruit  
Farmers.

Returns to be  
made by  
registered  
owners.

No person to  
export  
Jackfruit  
without  
certificate.

### CHAPTER III

#### CERTIFICATE FOR EXPORT OF JACKFRUIT

**9.** Save as otherwise provided in this Act, no person shall, after the commencement of this Act, commence or carry on the business of export of jackfruit, except under and in accordance with a certificate:

Provided that a person carrying on the business of export of jackfruit immediately before the commencement of this Act, may continue to do so for a period of three months from such commencement; and if he has made an application for such certificate within the said period of three months till the disposal of such application.

*Explanation.*—The reference in this section to the commencement of this Act shall be construed in relation to any variety of jackfruit added to the Schedule by notification as reference to the date with effect from which such variety of jackfruit is added to the Schedule.

Grant of certificate.

**10. (1)** An application for grant of certificate shall be made to the Board in such form and shall contain such particulars as may be prescribed and shall be accompanied by a receipt evidencing the payment of the prescribed fee.

(2) On receipt of such application, the Board shall—

(a) if the application is not in the prescribed form or does not contain any of the prescribed particulars, return the application to the applicant; or

(b) if the application is in the prescribed form and contains the prescribed particulars, grant the certificate subject to such terms and conditions as may be determined by regulations.

Cancellation, suspension, etc. of certificate.

**11. (1)** The Board may cancel any certificate on any one or more of the following grounds, namely:—

(a) that the holder of the certificate has violated any of the terms and conditions of the certificate; and

(b) that in the opinion of the Central Government it is necessary in the interests of general public to cancel the certificate.

(2) Where the Board, for reasons to be recorded in writing, is satisfied that pending consideration of the question of cancelling the certificate on any grounds mentioned in sub-section (1), it is necessary to do so, the Board may, by order in writing, suspend the operation of the certificate for such period not exceeding forty-five days as may be specified in the order and require the holder of the certificate to show cause, within fifteen days from the date of receipt of such order, as to why the suspension of the certificate should not be extended till the determination of the question as to whether the registration should be cancelled.

(3) No order of cancellation of registration under this section shall be made unless the person concerned has been given a reasonable opportunity of being heard in respect of the grounds for such cancellation.

Appeal.

**12. (1)** Any person aggrieved by an order made under section 9 may prefer an appeal to the Central Government within such period as may be prescribed.

(2) No appeal shall be admitted if it is preferred after the expiry of the period prescribed therefor:

Provided that an appeal may be admitted after the expiry of the period prescribed therefore if the appellant satisfies the Central Government that he had sufficient cause for not preferring the appeal within the prescribed period.

(3) Every appeal made under this section shall be made in such form and shall be accompanied by a copy of order appealed against and by such fees as may be prescribed.

(4) The procedure for disposing of an appeal shall be such as may be prescribed:

Provided that before disposing of an appeal, the appellant shall be given a reasonable opportunity of being heard.

(5) The Central Government may confirm, modify or reverse the order appealed against.

**13.** The Central Government may, if satisfied that it is necessary or expedient, so to do, in public interest, by notification in the Official Gazette and subject to such conditions, if any, as may be specified therein, permit anybody or other agency to commence or carry on the business of export of jackfruit without a certificate.

Power to permit export without certificate.

## CHAPTER IV

### CONTROL BY THE CENTRAL GOVERNMENT

**14. (1)** The Central Government may, by order notified in the Official Gazette, fix in respect of jackfruit of any description specified therein—

(a) the maximum price or the minimum price, or the maximum and minimum prices, which may be charged by a jackfruit farmer or jackfruit dealer, wholesale or retail, whether for the Indian market or for export; and

(b) the maximum quantity which may in one transaction be sold to any person.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), any order made thereunder may provide—

(a) for requiring persons engaged in the production, supply or distribution of, or trade and commerce in, jackfruit to maintain and produce for inspection such books, accounts and records relating to their business and to furnish such information relating thereto as may be specified in the order; and

(b) for such other matters, including in particular the entering and search of premises, vehicles, vessels and aircraft, and the seizure by a person authorised to make such search, of jackfruit in respect of which such person has reason to believe that a contravention of the order has been or is about to be, committed.

**15.** The Central Government may, by order published in the Official Gazette, make provision for prohibiting, restricting or otherwise controlling the import of jackfruit, either generally or in specified classes of cases.

Power to prohibit or control import of Jackfruit.

**16. (1)** Without prejudice to the foregoing provisions of this Act, the Board shall, in the discharge of its functions and duties under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time:

Provided that the Board shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government whether a question is one of policy or not shall be final.

Power of the Central Government to issue directions.

**17. (1)** If at any time the Central Government is of opinion—

(a) that on account of grave emergency, the Board is unable to discharge the functions and duties imposed on it by or under the provisions of this Act;

(b) that the Board has persistently made default in complying with any direction issued by the Central Government under this Act or in the discharge of the functions and duties imposed on it by or under the provisions of this Act and as a result of such default the financial position of the Board or the administration of the Board has deteriorated; or

Power of the Central Government to supersede the Board.

(c) that circumstances exist which render it necessary in the public interest so to do, the Central Government may, by notification in the Official Gazette, supersede the Board for such period, not exceeding six months, as may be specified in the notification.

(2) Upon the publication of a notification under sub-section (1) superseding the Board,—

(a) all the members shall, as from the date of supersession, vacate their offices as such;

(b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the Board, shall until the Board is reconstituted under sub-section (3), be exercised and discharged by such person or persons as the Central Government may direct; and

(c) all property owned or controlled by the Board shall, until the Board is reconstituted under sub-section (3), vest in the Central Government.

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government may reconstitute the Board by a fresh appointment and in such case any person or persons who vacated their offices under clause (a) of sub-section (2), shall not be deemed disqualified for appointment:

Provided that the Central Government may, at any time, before the expiration of the period of supersession, take action under this sub-section.

(4) The Central Government shall cause a notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before each House of Parliament at the earliest.

## CHAPTER V

### FINANCE, ACCOUNTS AND AUDIT

Grants and loans by the Central Government.

Constitution of Jackfruit Board Fund.

Budget.

Annual report.

Accounts and audit.

Annual report and auditors' report to be laid before Parliament.

**18.** The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Board grants and loans of such sums of money as it may consider necessary.

**19. (1)** There shall be constituted a fund to be called the Jackfruit Board Fund and there shall be credited thereto—

(a) any grants and loans made to the Board by the Central Government under section 16;

(b) all fees levied and collected in respect of certificates granted under this Act; and

(c) all sums received by the Board from such other sources as may be decided upon by the Central Government.

(2) The Fund shall be applied for meeting—

(a) salary, allowances and other remuneration of the members, officers and other employees of the Board;

(b) expenses of the Board in the discharge of its functions under section 6;

(c) expenses on objects and for purposes authorised by this Act.

**20.** The Board shall prepare in such form and at such time each financial year, as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Board and forward the same to the Central Government.

**21.** The Board shall prepare, in such form and at such time each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year, and submit a copy thereof to the Central Government.

**22.** The accounts of the Board shall be maintained and audited in such manner as may, in consultation with the Comptroller and Auditor-General of India, be prescribed and the Board shall furnish to the Central Government before such date, as may be prescribed, its audited copy of accounts together with the auditors' report thereon.

**23.** The Central Government shall cause the annual report and auditors' report to be laid, as soon as may be after they are received, before each House of Parliament.

## CHAPTER VII

## MISCELLANEOUS

**24.** Any person who being required by or under this Act to furnish any return fails to furnish such return or furnishes a return containing any particular information which is false and which he knows to be false or does not believe to be true shall be punishable with fine which may extend to five hundred rupees.

Penalty for making false returns.

**25.** Any person who—

(a) obstructs any member authorised by the Chairperson in writing or any officer or other employee of the Board authorised by it in this behalf or any person authorised in this behalf by the Central Government or by the Board, in the exercise of any power conferred, or in the discharge of any duty imposed, on him by or under this Act; or

(b) having control over or custody of any account book or other record, fails to produce such book or record when required to do so by or under this Act, shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Penalties for obstructing an officer or member of the Board in the discharge of his duties and for failure to produce books and records.

**26.** (1) If any person contravenes any order made under section 11, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both; and the property in respect of which the order has been contravened or such part thereof as the court may deem fit, shall be forfeited to the Central Government.

Penalty for contravention of order relating to control of price, etc.

(2) Any person who attempts to contravene, or abets the contravention of, any order under section 11 shall be deemed to have contravened that order.

**27.** If any person contravenes the provisions of section 7 or any order made under section 12 he shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Customs Act, 1962, be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

Penalties for contravention of section 7 or any order made under section 12.

**28.** Whoever contravenes or attempts to contravene or abets the contravention of the provisions of this Act or of any rules or regulations made thereunder other than the provisions, punishment for the contravention whereof has been provided for in sections 21, 22, 23 and 24, shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both, and in the case of a continuing contravention with an additional fine which may extend to fifty rupees for every day during which such contravention continues after conviction for the first such contravention.

Other penalties.

**29.** (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in-charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences by companies.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*—For the purposes of this section,—

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

Delegation.

**30.** The Board may, by general or special order in writing, delegate to the Chairperson or any other member or to any officer of the Board, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under this Act.

**31.** All members, officers and other employees of the Board shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

45 of 1860.

Members,  
officers and  
employees of  
the Board to  
be public  
servants.

Protection of  
action taken  
in good faith.

**32.** No prosecution or other legal proceeding shall lie against the Government, or the Board or any committee appointed by it, or any member of the Board or such committee, or any officer or employee of the Government or the Board or any other person authorised by the Government or the Board, for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

**33.** Subject to any rule made in this behalf, any person, generally or specially authorised by the Board in this behalf, may, whenever it is necessary to do so, for any of the purposes of this Act, at all reasonable times, enter upon any land or premises and make any inspection or inquiry or do such other Act or thing as may be prescribed:

Provided that no such person shall enter any building or any enclosed courtyard or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving such occupier at least twenty-four hours' notice in writing of his intention to do so.

**34.** (1) The State Government may, by notification in the Official Gazette, make rules to carry into effect the provisions of section 7.

(2) Without prejudice to the generality of the foregoing power, such rules may prescribe the form of the application for registration and for cancellation of registration, the fee payable on such applications, the particulars to be included in such application, the procedure to be followed in granting and cancelling registration, the registers to be kept by registering officers and the supply by registering officer.

(3) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(4) Without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely:—

(a) the number of members of the Board under sub-section (3) of section 3;

(b) the salary and allowances payable and other conditions of service of the members of the Board under sub-section (5) of section 3;

(c) the powers and duties of the Chairperson under sub-section (6) of section 3;

(d) the powers and functions of the Vice-Chairperson under sub-section (7) of section 3;

(e) the constitution of committees under section 5;

(f) the terms and conditions for giving licences to manufacturers of Jackfruit for export under clause (viii) of sub-section (1) of section 6;

(g) the form of the application and the fees under sub-section (1) of section 9;

Power to  
enter.

Power to  
make rules.

- (h) the period of limitation for appeal under sub-section (1) of section 12;
- (i) the form of appeal and the fees payable under sub-section (3) of section 12;
- (j) the procedure for disposal of appeal under sub-section (4) of section 12;
- (k) any other matter which is to be, or may be, prescribed or in respect of which provision is to be, or may be, made by rules.

**35.** (1) The Board may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations consistent with this Act and the rules generally to carry out the purposes of this Act.

Power to make regulations.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

- (a) the salary and allowances payable to, terms and conditions of service of the Secretary and other officers and employees of the Board under sub-section (2) of section 4; and
- (b) the terms and conditions under which the certificate may be granted under sub-section (2) of section 10.

**36.** Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Rules and regulations to be laid before Parliament.

**37.** (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Power to remove difficulties.

Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

**THE SCHEDULE**

[See section 2(f)]

All varieties of Jackfruit (*Artocarpus Heterophyllus*) across India and imported high yielding varieties and indigenously developed hybrids.

#### STATEMENT OF OBJECTS AND REASONS

Jackfruit contains thorny projections outside and soft flesh with nutritional components inside. It is high in nutrients like vitamins, minerals, electrolytes, phytonutrients, carbohydrates, fiber, fat and protein. Jackfruit is a good source of calories but contains no cholesterol or saturated fats. It contains a high level of carbohydrates and many calories that provide energy instantly. Jackfruit is a sweet and delicious fruit with many health benefits. It is a rich source of antioxidants which protect from cancer, aging and degenerative disease. Jackfruit consumption provides excellent taste, nutrition and health benefits that ensure food security for low income populations. Recently, Government of Kerala has declared jackfruit as State fruit and planning to popularize and promote jackfruit farming to fillip the production and sale of jackfruit and its value-added products in both domestic and international market. Moreover, more States are declaring schemes to promote jackfruit farming.

In the light of importance of jackfruit as nutraceutical and burgeoning markets and business, the setting up of a Jackfruit Board would be extremely helpful to speed up the process of growing jackfruit. This would also be a significant step in increasing the brand value of Indian jackfruit globally.

The constitution of the Jackfruit Board is imperative for the following reasons:—

(1) throughout the years jackfruit was exported offering surplus foreign exchequer. However, the fruit is not being able to be marketed effectively; and

(2) more and more farmers are entering into jackfruit farming and hence there is need of a dedicated Board to look into the affairs.

The Bill, therefore, seeks to provide for constitution of a Jackfruit Board for the development of export of jackfruit and for the control of jackfruit industry including the control of growing of jackfruit.

The Bill seeks to achieve the above objectives.

NEW DELHI;  
*July 6, 2018.*

ADV. JOICE GEORGE

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to provide for constitution of Jackfruit Board. Clause 4 provides for appointment of Secretary and other officers and employees to the Board. Clause 5 provides for the constitution of Advisory Committees by the Board. Clause 18 provides for the grants and loans by the Central Government. Clause 19 provides for the constitution of a Jackfruit Board Fund. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees one hundred crore per annum would involve from the Consolidated Fund of India.

A non-recurring expenditure of about rupees two hundred crores is also likely to be involved from the Consolidated Fund of India.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to issue orders to control price and distribution of Jackfruit. Clause 15 empowers the Central Government to issue orders to prohibit or control import of Jackfruit. Clause 16 empowers the Central Government to issue directions. Clause 17 empowers the Central Government to issue notification to supersede the Board. Clause 34 empowers the Central Government to make rules to carry out the purposes of this Act. Clause 35 empowers the Board may, with the previous approval of the Central Government, by notification in the Official Gazette, to make regulations consistent with this Act and the rules generally to carry out the purposes of this Act. As the orders, directions, notifications, rules and regulations will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 226 OF 2018

*A Bill to provide for the constitution of Farmers Welfare Fund to ensure guaranteed income to farmers irrespective of natural calamity or price fall and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

**1. (I)** This Act may be called the Farmers (Guaranteed Income and Welfare) Act, 2018.

Short title,  
extent and  
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2.** In this Act, unless the context otherwise requires,—

Definitions.

(a) "Agricultural produce" means any agricultural produce grown by the farmer;

(b) "farmer" means a person possessing agricultural land measuring not more than ten acres and have no major income from any source other than agriculture operations;

(c) "Fund" means Farmers Welfare Fund constituted under section 4;

(d) "guaranteed income" means assured income to the farmer from the agricultural produces, fixed and declared by the Central Government under section 3;

(e) "natural calamity" includes drought, flood, cyclone, hailstorm, landslide, cloud burst, tsunami, earthquake or fire especially in forest and adjacent areas or such other conditions as may be notified by the appropriate Government, from time to time, and

(f) "prescribed" means prescribed by rules made under this Act.

Central  
Government  
to declare  
guaranteed  
income for  
farmers.

Constitution  
of Farmers  
Welfare Fund.

Constitution  
of Farmers  
Welfare  
Board.

**3. (1)** The Central Government shall, by notification in the Official Gazette, declare guaranteed income for each crop, in every financial year.

(2) The declaration of guaranteed income under sub-section (1) shall be on the basis of the cost of production including the value of manpower employed for producing each crop.

**4. (1)** The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Farmers Welfare Fund for carrying out the purposes of this Act.

(2) The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.

(3) Such other sums as may be received by way of donation, contribution or assistance or otherwise including money received as corporate social responsibility from corporate sector shall also be credited to the Fund.

**5. (1)** The Central Government shall, by notification in the Official Gazette, constitute a Board to be known as the Farmers Welfare Board for the purpose of administering the Fund.

(2) The Board shall consist of—

(a) a Chairperson, to be appointed by the Central Government in such manner as may be prescribed;

(b) one representative of the NITI Aayog;

(c) one representative of every State Government;

(d) three members representing the agro-based commerce and industry sector, to be appointed by the Central Government in such manner as may be prescribed;

(e) three representatives of the farmer, to be appointed by the Central Government in such manner as may be prescribed;

(f) three Members of Parliament representing States where agriculture is the main stay of population; and

(g) the Secretary of the Union Ministry of Agriculture and Farmers Welfare who shall be *ex-officio* Secretary to the Board.

(3) The salary and allowances payable to and other terms and conditions of service of Chairperson, members and other officers and staff of the Board shall be such as may be prescribed.

(4) The Central Government shall provide to the Board such number of officers and staff as may be required for its efficient functioning.

**6.** (I) The Board shall take such steps, as it may deem appropriate, for the welfare of farmers.

Functions of the Board.

(2) without prejudice to the generality of the foregoing provision, the Board shall ensure the following provisions for the benefit and welfare of farmers, namely:—

(a) Good quality seeds, manure, pesticides, fertilizers and other necessary tools and machineries at reasonable price as per their requirements;

(b) uninterrupted power and water supply at reasonable rates for agricultural operation;

(c) fix and declare minimum support prices of agricultural commodities before the sowing seasons after taking into consideration all the relevant factors and in particular the following factors, namely:—

(i) input cost including capital investment;

(ii) labour charges;

(iii) maintenance cost of the farm;

(iv) transportation and marketing facilities for agricultural produce;

(v) payment of adequate compensation to farmers or their family members in case of accident or death during agricultural operations;

(vi) free medical and health insurance facilities to the farmers and their family members;

(vii) adequate cold storage facility for agricultural products at appropriate places;

(viii) provision of loan facilities or financial assistance to farmers;

(ix) provision of a comprehensive crop insurance scheme for reparation of loss of crops due to natural calamities; and

(x) a guaranteed income for farmers so that agriculture and allied activities may be adopted by public as a profession.

**7.** The Central Government may give such directions to the State Government as it may think necessary for the purposes of this Act.

Central Government to issue directions.

**8.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the Farmers Welfare Board for carrying out the purposes of this Act.

Central Government to provide adequate funds to Farmers Welfare Board.

**9.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act not inconsistent with other laws.

**10.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty:

Power to remove difficulty.

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

Power to  
make rules.

**11. (I)** The Central Government may, by notification in the Official Gazette, makes rules for carrying out the purposes of the Act.

(2) Every rule made under this section shall be laid before each House of the Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form as of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

#### STATEMENT OF OBJECTS AND REASONS

Agriculture supports more than half of India's population, but the per capita income of farmers is only about one-fifth of the average per capita income of the country. Moreover, the farming community now has been experiencing a situation of distress on account of several factors, such as rising cost of production, increasing frequency of extreme climatic events, *viz.* droughts, heat waves and floods, and vagaries of guaranteed income.

Currently, a farmer is born in debt, live in debt and dies in debt. Due to total negligence and non-remunerative, people are not preferring agriculture as a profitable profession. In short, an immediate effective intervention by the Government to safeguard the dreams, hopes and aspirations of agrarian people, is the need of the hour. The establishment of Farmers Welfare Board, will lend a helping hand for the poor farmers to remove indebtedness and social insecurity by providing guaranteed income.

Hence this Bill.

NEW DELHI;  
*November 19, 2018.*

JOICE GEORGE

#### FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the constitution of a Farmers Welfare Fund by the Central Government. It further provides that the State Government shall contribute to the Fund in such ratio as may be prescribed. Clause 5 provides for constitution of a Farmers Welfare Board. Clause 6 provides for utilisation of Fund by the Board for welfare of farmers including guaranteed income for each crop. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees one hundred crore per annum would involve from the Consolidated Fund of India.

A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 168 OF 2018

*A Bill to provide for certain welfare measures and other facilities for pepper growers and for matters connected therewith.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

**1. (1)** This Act may be called the Pepper Growers (Welfare) Act, 2018.

Short title,  
extent and  
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2.** In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government;

(b) "Committee" means the Pepper Development Committee constituted under section 3;

(c) "pepper" includes its products, by-products and extracts;

(d) "prescribed" means prescribed by rules made under this Act; and

**(e)** "Scheme" means the Pepper Growers Welfare Scheme formulated under section 3.

**3. (1)** The Central Government shall formulate a Scheme for the welfare of pepper growers to be known as the Pepper Growers Welfare Scheme.

(2) The scheme shall be administered by a Committee to be known as the Pepper Development Committee.

(3) The Committee shall consist of—

(i) a Chairperson, who shall be nominated by the Central Government;

(ii) two members, representing the Governments of pepper growing States, to be nominated by the Central Government;

(iii) two members representing pepper agriculturists who are growing pepper on large scale;

(iv) two members representing small pepper growers; and

(v) three Members of Parliament from pepper growing States.

(4) The Chairperson and members of the Committee shall be nominated by the Central Government in such manner as may be prescribed.

(5) The salary and allowances payable to, and other conditions of service of the Chairperson and members of the Committee, shall be such as may be prescribed.

**4.** Without prejudice to the powers of the Central Government, the scheme shall include:—

(i) framing of a comprehensive insurance scheme for loss or destruction of pepper;

(ii) providing technical and other kinds of specialized assistance to pepper growers;

(iii) fixing minimum support price for pepper;

(iv) creation of adequate procurement and storage facility for pepper;

(v) providing assistance for export of pepper and its products;

(vi) encouraging research in pepper related fields with a view to promote it as a nutraceutical and as a condiment;

(vii) provision of adequate marketing facilities for pepper growers; and

(viii) provision of electricity and water facilities to pepper growers at subsidized rate.

**5.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds for the purposes of this Act.

**6. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

#### STATEMENT OF OBJECTS AND REASONS

Members of the botanical family Piperaceae were among the first cultivated plants. Black pepper (*Piper nigrum*) and long pepper (*Piper longum*) are the best known Spices in this family and are probably among the most recognized spices in the world. Black pepper alone accounts for lion part of the world's total spice trade. In addition, pepper have been used medicinally for centuries. In recent years, extensive research on the phytochemistry and unique pharmacological actions of these plants are also available. But unfortunately, there are no adequate facilities and support for pepper growers. The pepper based industries are suffering from numerous problems including problems relating to its storage, marketing, procurement and export. The Bill seeks to overcome the problems mentioned above.

Hence this Bill.

NEW DELHI;  
November 19, 2018.

JOICE GEORGE

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the formulation of a welfare scheme for pepper growers. It also provides for the constitution of a Committee to administer the scheme. Clause 4 provides for the activities to be undertaken under the scheme. Clause 5 provides that the Central Government shall provide adequate funds for the purposes of this Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one hundred crore per annum.

A non-recurring expenditure of about rupees twenty crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 227 OF 2018

*A Bill to provide employment to the local residents of any area in which an industry has been or is going to be setup, ensure basic income to all workers and to establish a regulatory mechanism to protect environment from any adverse effects due to industrialization in such area and for matters connected therewith or incidental thereto.*

Be it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

- 1. (1)** This Act may be called the Industrial Employment and Environmental Protection Act, 2018.
- (2)** It extends to the whole of India.
- (3)** It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Short title,  
extent and  
commencement.

Definitions.

**2.** In this Act, unless the context otherwise requires,—

(a) "annual report" means a report giving the details of the development activities taken up over the year by the Authority and providing details about the targets set and achieved;

(b) "appropriate Government" means the concerned State Government or the Union territory Government, as the case may be, and in all other cases, the Central Government;

(c) "Authority" means the Industrial Employment and Environmental Protection Authority established under section 3; and

(d) "prescribed" means prescribed by rules made under this Act.

Establishment of the Industrial Employment and Environment Protection Authority.

**3. (1)** With effect from such date as the Central Government may, by notification, appoint, there shall be constituted for the purposes of this Act, an Authority to be known as the Industrial Employment and Environment Protection Authority for carrying out the purposes of this Act.

(2) The Authority shall consist of—

(i) Union Minister of State in the Ministry of Labour and Employment—*ex-officio* Chairperson;

(ii) Union Minister of State in the Ministry of Environment—*ex-officio* Vice Chairman; and

(iii) Director, Central Board for Employment, Union Minister of Labour and Employment—*ex-officio* member

(3) The Central Government shall appoint such number of officers and staff as it considers necessary for the functioning of the Authority who have special knowledge pertaining to employment schemes and environmental issues.

(4) The salary and allowances payable to and other terms and conditions of the officers and staff of the Authority shall be such as may be prescribed.

**4. (1)** The Headquarters of the Authority shall be at New Delhi.

(2) The Authority shall establish offices at such other places in the Country as it may deem necessary for carrying out the purposes of this Act.

**5.** The Authority shall meet at such times and places and shall observe such rules of procedure in regard to transaction of business at its meetings as may be prescribed by the Central Government.

**6. (1)** Without prejudice to the provisions contained in this section, the functions of the Authority shall include,—

(a) undertaking a baseline study to collect comprehensive data about the existing minimum number of local resident employees working in all industries to which land is provided by Government;

(b) undertaking a baseline study to collect comprehensive data of adverse effects on the environment within the circumference of 5 kilometer where the particular industry has been setup, due to the working mechanism of the industry;

(c) formulating a scheme and giving mandatory guidelines to the industries to reserve a certain percentage (at least fifty per cent.) of employee positions exclusively for local residents of that area;

(d) formulating a scheme for providing wages throughout the year for those employed seasonally;

(e) creating an establishment to maintain data on the workers of closed sick industries and to formulate schemes for the welfare of such workers;

Headquarters and other Offices of the Authority.

Meetings and procedure of the Authority.

Functions of the Authority.

(f) formulating eco-friendly schemes and giving mandatory guidelines to protect the flora and fauna in the circumference of 10 kilometer of the particular industry;

(g) installing regular test mechanisms to trace the effects on the environment due to industry production;

(h) recommend penalty including cancellation of license or such other penalty as are necessary to save the environment for violation or norms or guidelines by industries; and

(i) undertaking such other activities, as may be prescribed by the Central Government.

(2) The Authority shall disseminate the necessary knowledge and information collected, to the respective departments of the Central Government and the State Governments.

**7. (1)** The Authority shall prepare every year an Annual Report in such form and as may be prescribed by the Central Government, giving a summary of its activities including schemes it has undertaken and recommended to the appropriate Government during the previous year and it shall contain the statements of Annual Report of the Authority.

Annual Report.

(2) A copy of the Annual Report shall be forwarded to the Central Government and the Central Government shall cause the Annual Report to be laid, as soon as may be after it is received, before each House of Parliament.

**8.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removal of the difficulty:

Power to remove difficulty.

Provided that such order shall be made after the expiry of a period of three years from the date of commencement of this Act.

**9. (1)** The Central Government, in constitution with the State Governments, may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

### STATEMENT OF OBJECTS AND REASONS

Article 38 provides that the State shall promote welfare of the people and secure a social order and protect social, economic and political justice to the people. This explicitly means that the State is free to form such policies for the promotion of welfare of the people, as and when it deems fit.

Unemployment is a serious issue for the growing population of the country and the statistics collected in the last decade certainly prove that unemployment is growing rapidly and to generate jobs for the youth is the need of the hour. Setting up of industries is one of the promising solutions to control the unemployment rate. There have been several examples where the State as well as Central Governments have acquired lands from the people and given them to industries to promote industrialisation in the country. In return, monetary compensation is given to the land holders for the land acquisition done by the Government. However, one-time monetary compensation is not the only way, the Government can also formulate such schemes by giving mandatory guidelines to the industrialists to hire certain percentage of their employees from the local area where the industry is being set up. This can be the adept way to tackle the problem of rapidly growing unemployment rate of the country.

Studies of the industrial revolution show that the growth of industries has adversely affected the environment. This also alludes to the fact that proper precautionary measures are not being taken either by the industries or the Government. Right to clean and healthy environment is a fundamental right which comes under the purview of article 21 of the Constitution. Human needs are limitless and when it comes to urbanisation, they are never satisfied. We as humans compromise with nature as per our convenience. But, we often forget about the role the environment plays in our lives. The green environment that we live in consists of air, water, sunlight, trees etc. Everything that the environment consists of is important to us. It is the duty of the State to establish an Authority and some kind of control mechanism for the industries, given their arbitrary practices have already affected the environment adversely.

This Bill provides for the aforementioned necessary safety net. By providing for these measures, it will be the much-needed antidote required to control unemployment and growing environmental issues within the country.

Hence this Bill.

NEW DELHI;  
*November 27, 2018.*

DHARAM VIRA GANDHI

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the Industrial Employment and Environment Protection Authority. It also provides for appointment of officers and staff to the Authority. Clause 4 provides for establishment of Headquarters and officers of the Authority. Clause 6 provides for the Authority to undertake studies and formulate schemes for the better management of industry and environment. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees twenty five crore per annum will be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees thirty crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empower the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 200 OF 2018

*A Bill further to amend the Indian Penal Code, 1860.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Short title and commencement.

**1. (1)** This Act may be called the Indian Penal Code (Amendment) Act, 2018.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 171.

**2.** In section 171 of the Indian Penal Code, 1860 (hereinafter referred to as the Code), for the words, "two hundred rupees" the words "two thousand rupees" shall be substituted.

45 of 1860.

Amendment of section 171 I.

**3.** In section 171 I of the Code, for the words "five hundred rupees" the words "two thousand rupees" shall be substituted.

**4.** In section 302 of the Code, for the words "and shall also be liable to fine" the words "and shall also be liable to pay fine to the victim which shall not be less than one lakh rupees but which may extend upto ten Lakh rupees" shall be substituted.

Amendment  
of section  
302.

**5.** In section 376 of the Code, in sub-section 1, for the words "and shall also be liable to fine" the words "and shall also be liable to pay fine to the victim which shall not be less than one lakh rupees but which may extend upto ten Lakh rupees" shall be substituted.

Amendment  
of section  
376.

**6.** In section 376B of the Code, for the words "and shall also be liable to fine" the words "and shall also be liable to pay fine to the victim which shall not be less than fifty thousand rupees" shall be substituted.

Amendment  
of section  
376B.

**7.** In section 376C of the Code, for the words "and shall also be liable to fine" the words "and shall also be liable to pay fine to the victim which shall not be less than fifty thousand rupees" shall be substituted.

Amendment  
of section  
376C.

**8.** In section 376D of the Code, for the words "and shall also be liable to fine" the words "and shall also be liable to pay fine to the victim which shall not be less than fifty thousand rupees" shall be substituted.

Amendment  
of section  
376D.

#### STATEMENT OF OBJECTS AND REASONS

India is ranked 137th in the Global Peace Index 2018 report which shows the level of crimes in India. In 2016, according to the National Crime Records Bureau (NCRB) data, the total crimes were recorded to be 2.97 million. In 2017, however it was 2.94 million. India was reported to be the fourth most dangerous country for women travellers.

Compensation should be paid to the victims because the accused has destroyed the life not only of victim but also his family. Giving punishment to the accused doesn't give justice to the victim, it is just the punishment given to the accused for his act. A good amount of compensation should also be paid to the victim.

For example, if there is a poor family of six persons including husband, wife and four small children. Now, if husband is being murdered by someone, the deceased being the only bread earner in the family, the people left behind won't even have food to eat. Compensation should be paid to the family of deceased so that they can at least live their life.

The Bill, therefore seeks to amend the various sections of the Indian Penal Code, 1860 with a view to increase the amount of fine imposed on the accused so that victim is paid a justifiable amount of compensation.

Hence this Bill.

NEW DELHI;  
*November 27, 2018.*

DHARAMVIRA GANDHI

## BILL No. 172 OF 2018

*A Bill to provide for abolition of begging and rehabilitation of beggars  
and for matters connected therewith or  
incidental thereto.*

Be it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Abolition of Begging and Rehabilitation of Beggars Act, 2018.

Short title and extent.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

**2.** In this Act, unless the context otherwise requires,—

Definitions.

(a) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government.

(b) “beggar” means a person who indulges in begging.

(c) “begging” shall have the same meaning as assigned to it in clause (a) of sub-section (4), section 363A of the Indian Penal Code.

	(d) "Fund" means Beggars Welfare Fund established under section 6.
	(e) "prescribed" means prescribed by rules made under this Act.
	(f) "rescue home or social security institution" means a home established under this Act where any person taken into custody on the ground of begging shall be kept till the time he is rehabilitated.
Abolition of begging.	<b>3.</b> Begging by any person, irrespective of age and gender, in any manner is hereby abolished.
Punishment for forced begging and sensitization of public.	<b>4. (1)</b> Any person who forces another person of more than eighteen years of age, into begging shall be punishable with imprisonment which shall not be less than seven years.  (2) Any person who forces a child of any gender, who is less than eighteen years of age, into begging shall be punishable with imprisonment which shall not be less than ten years.  (3) It shall be the responsibility of the appropriate Government to sensitize the society about the repercussions of the forced begging and the multiple evil that enjoin in such anti-social activities threatening the peace and harmony of the society.
Custody and rehabilitation of persons found begging.	<b>5. (1)</b> Any person found begging shall be taken into custody by the Police and sent to the nearest rescue home or social security institution, to be established in each District by the appropriate Government, as the case may be, wherein such person shall be provided with facilities for rehabilitation, in such manner as may be prescribed.  (2) It shall be the sole responsibility of the in-charge of the rescue home or the social security institution to ensure that the rescued beggar(s) brought by the Police, do not leave the rescue home or the social security institutions without the proper approval or permission of the authorities so empowered by the rules made under this Act.
Beggars' Welfare Fund.	<b>6. (1)</b> The Central Government shall constitute a Fund to be called the Beggars Welfare Fund for the welfare of beggars.  (2) The Fund shall be utilised by the Central Government as and when required for the welfare and rehabilitation of beggars.
Formulation of Schemes for beggars.	<b>7. (1)</b> The appropriate Government shall formulate dedicated schemes for schooling of the children so rescued from begging.  (2) It shall be the responsibility of the appropriate Government to ensure that the rescued children are adequately rehabilitated by providing requisite education and employment opportunities for their livelihood.
Laying of report.	<b>8.</b> The Central Government shall lay a report before both Houses of Parliament every year on the progress of the implementation of the provisions of this Act.
Powers to make rules.	<b>9. (1)</b> The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.  (2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be: so, however, that any such modification or annulment, shall be without prejudice to the validity of anything previously done under that rule.

#### STATEMENT OF OBJECTS AND REASONS

Even after seventy-one years of Independence, begging continues to be a formidable problem facing the country. Ever since, we embarked upon a welfare State, several social security safeguards have been put in place to rehabilitate the beggars, many of whom are young children. However, increasing incidents of begging across the country demonstrate a stark failure of the existing social security system, thus necessitating concerted remedial measures. India's urban centres, especially the metro cities, have been facing this problem of begging and the organised crime syndicates are using the beggars and children to promote their sinister designs. In many cases, it has also been seen that the organs of children begging at the signalled crossings on the roads are traded by illegal organ traders. Many orphan children secure their livelihood by begging. This has contributed to India's burden of illiterates and out of school children. At a time, when the country is being seen as an important destination for foreign direct investment, international tourists inflow, etc., begging at the signalled crossings on the roads portray a negative picture of the country's profile and reputation as a democracy wedded to the ideals of promoting human rights and values enshrined in the Constitution. In the 21st century India, begging is a scar which the country can not afford to keep it at its own peril.

It is, therefore, imperative that legislation should be brought forward to abolish begging and to provide for adequate rehabilitation of beggars through a robust mechanism of social security institutions.

Hence, this Bill.

NEW DELHI;  
*November 28, 2018.*

SHIVAJI ADHALRAO PATIL

#### FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for establishment of “rescue homes” in each district by the appropriate Government. Clause 6 provides for setting up of Beggars’ Welfare Fund. Clause 7 provides for formulation of schemes for schooling of children by appropriate Government so as to enable beggars to take up suitable jobs. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of rupees five thousand crore per annum.

A non-recurring expenditure of rupees five hundred crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 empowers the Central Government to make rules for carrying out the provisions of the Bill. Since the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

## BILL No. 257 OF 2018

*A Bill to provide for reservation of posts for women in establishments and for matters connected therewith and incidental thereto.*

BE it enacted by the Parliament in the Sixty-ninth Year of the Republic of India as follows:—

**1. (1)** This Act may be called the Women's (Reservation in Workplace) Act, 2018.

Short title,  
extent,  
commence-  
ment and  
application.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

(4) It applies to such establishment owned, established, controlled, managed or financed by the Central or State Governments and includes—

(i) a Ministry or Department or subordinate office or attached office of the Government;

(ii) a public sector undertaking or statutory authority constituted under any Central Act;

(iii) a corporation in which not less than fifty-one per cent. of the paid-up share capital is held by the Government;

(iv) a university established by a Central Act and its affiliated colleges, including medical and engineering colleges and institutions;

(v) a primary or secondary school or any other educational institutions;

(vi) an industry, trade or business;

(vii) a Government company as defined under sub-section (45) of section 2 of the Companies Act, 2013;

18 of 2013.

(viii) an autonomous body, organisation or institution receiving grant or aid from the Consolidated Fund of India; and

(5) It may also apply to the private establishments to such extent and in such manner as they may voluntarily decide to apply to their establishments.

Definitions.

**2.** In this Act, unless the context otherwise requires,—

(a) “appointing authority” in relation to a service or post in an establishment, means the authority empowered to make appointment to such service or post;

(b) “Chairperson” means the Chairperson of the Council on Women’s Welfare at Workplace, appointed under sub-clause (a) of clause (2) of section 14 of the Act;

(c) “Council” means the Council on Women’s Welfare at Workplace, constituted under section 14 of the Act;

(d) “Government” means the Central Government;

(e) “Group ‘A’ post” means a post which is classified as such by the President in exercise of the powers conferred by the proviso to article 309 of the Constitution or by or under any Act of Parliament and includes an equivalent post in any establishment;

(f) “prescribed” means prescribed by rules made under this Act;

(g) “promotion by non-selection” means promotion made on the basis of seniority-cum-fitness;

(h) “promotion by selection” means promotion made on the basis of merit-cum-seniority;

(i) “recruitment year” means the calendar year for which the recruitment is made;

(j) “scientific or technical post” means posts for which qualifications in natural sciences or exact sciences or applied sciences or technology are essential and the incumbent of such post shall have to use his or her knowledge in such sciences for discharge of duties.

Reservation  
for women in  
appointments  
by direct  
recruitment  
and  
promotion.

No  
reservation in  
certain cases.

**3.** (1) The Government shall reserve not less than thirty percentage of posts for women for appointments in establishments by direct recruitment and promotion, in such manner, as may be prescribed.

(2) The vacancy reserved for women under sub-section (1) shall be filled in such manner, as may be prescribed.

**4.** (1) Notwithstanding anything contained in section 3, there shall be no reservation where appointments are made—

(i) for a period of less than forty-five days;

(ii) where work is required for any emergency relief work;

(iii) to posts higher than the lowest grade of Group 'A' posts and to those classified as scientific or technical post; and

(iv) to posts in which employment of women is prohibited or restricted by or under any law for the time being in force.

(2) The Central Government may, by notification in the Official Gazette, exempt any institution of national importance and Indian Institutes of Management from the application of this Act.

(3) Every notification issued under sub-section (2) shall be laid before each House of Parliament.

**5.** In the case of promotion by selection from one Group 'A' post to another Group 'A' post which carries the scale of pay, the maximum of which is equal to or less than the maximum of the scale of pay of a Director in the Central Secretariat Service or equivalent posts in other establishments, women officers, who are fit to hold the post and are relatively senior so as to be within the number of vacancies for which the select list is to be drawn, shall be included in such select list and considered for appointment.

Inclusion of women officers in select list in case of promotion within Group 'A'.

**6. (1)** The appointment to the unreserved vacancy shall be open to all eligible persons, including women.

Unreserved vacancies to be open to women.

(2) Where such unreserved vacancy is filled by direct recruitment or promotion by a women on the basis of merit, then, such person shall be appointed against the unreserved vacancy.

Fee concession.

**7.** The examination fee or application fee, determined for recruitment to a service or post through competitive examination or otherwise, shall be exempted or be reduced to such extent for women as may be prescribed.

Relaxation in qualifications and experience.

**8. (1)** Any standard of suitability, excluding the essential and desirable qualifications, required for appointment by direct recruitment to a post may be relaxed for women, if sufficient number of such candidates possessing requisite standards are not available to fill the vacancies reserved for them:

Provided that no such appointment shall be made where the candidate is found unfit to hold the post.

(2) The experience required for appointment by direct recruitment to a post may be relaxed for women, if at any stage of selection, sufficient number of such candidates possessing the requisite experience are not available to fill the vacancies reserved for them.

Reservation in case of promotion.

**9. (1)** Where a qualifying examination is held to determine fitness of eligible persons for promotion by non-selection and sufficient number of women fulfilling the qualifying standards are not available to fill the vacancies reserved for them, such qualifying standards may be relaxed, consistent with the minimum standards of fitness required for appointment to the post, in the case of women.

(2) Where qualifying examination is held to determine merit of eligible persons for promotion by selection and sufficient number of women fulfilling the qualifying standards are not available to fill the vacancies reserved for them, such qualifying standards may be relaxed, consistent with the minimum standards of merit required for appointment to the posts, in the case of women.

**10.** The vacancies reserved for women shall be filled by women only.

Reserved Vacancies to be filled by women.

**11.** Where posts in an establishment are to be abolished and as a result thereof, the services of certain persons are required to be either surrendered or terminated, no such surrender or termination shall be made in respect of women, if it results in lowering their representation in relation to the percentage of reservation fixed for them.

Abolition of posts not to affect the representation of women.

Appointment  
and duties of  
Liaison  
officer.

**12.** (1) Every establishment shall designate an officer of such rank, as may be prescribed, to function as a liaison officer for the purpose of ensuring that the provisions of this Act or the rules made thereunder or any direction of instruction issued by the Government regarding reservation are not contravened.

(2) The liaison officer shall, from time to time, inspect and verify the documents, records and reports with respect to appointments of women made by the appointing authority by direct recruitment or promotion.

(3) Where the liaison officer is satisfied that any establishment has contravened the provisions of this Act or the rules made thereunder or any direction or instruction issued, he shall submit a report of such contravention to the head of the establishment.

(4) On receipt of the report of contravention under sub-section (3), the head of establishment shall take disciplinary action under section 16 against the person responsible for such contravention.

**13.** (1) Every appointing authority, or an officer authorised by him in this behalf, shall maintain such documents and records, and furnish every year a report on the appointments of women made by direct recruitment and promotion, in such manner and at such time, as may be prescribed.

(2) The appointing authority or any other officer authorised by him shall make available such documents and records for inspection, furnish such information, and render such assistance, to the liaison officer, as may be necessary, to enable him to carry out his functions under this Act.

Maintenance  
of documents  
and records  
and furnishing  
of reports by  
appointing  
authority.

Council on  
Women's  
Welfare at  
Workplace.

**14.** (1) The Government shall constitute a Council to be called the Council on Women's Welfare at Workplace.

(2) The Council on Women's Welfare at Workplace shall consist of the following members, namely—

(a) the Union Minister for Women and Child Development Chairperson, ex-officio;

(b) Secretary, Ministry of Women and Child Development member, ex-officio;

(c) the Chairperson of the National Commission for Women member, ex-officio;

(d) two prominent lawyers in the field of Women's Rights member;

(e) two social workers working in the field of Women's Rights member.

(3) The members of the Council, referred to in sub-clauses (c), (d) and (e) of clause (2) shall as soon as may be, choose one amongst themselves to be Vice-Chairperson of the Council for such period as they may decide.

(4) The Council shall make recommendations to the Union Government on—

(a) developing and organizing training programmes to advance the competence of women for appointment to services and posts;

(b) providing necessary social services to enable parents to combine family obligations with work responsibilities, in particular through the promotion of establishments and development of a network of child-care facilities;

(c) formulating policies regarding flexible work schedules and other such policies that would attract and retain women in workplaces.

(d) any other matter relating to women's welfare at workplace, as the Council may decide.

(5) More than one half of the total number of members of the Council shall constitute the quorum at its meetings.

(6) The Council shall determine its own procedure in the performance of its functions.

(7) Every decision of the Council shall be taken at a meeting, by a majority of the members present and voting.

(8) No act or proceedings of the Council shall be invalid merely by reason of—

(a) any vacancy in, or any defect in, the constitution of the Council; or

(b) any defect in the appointment of a person as a member of the Council; or

(c) any procedural irregularity of the Council not affecting the merits of the case.

(9) The Council may decide about the modalities to resolve disputes arising out of its recommendations.

(10) The term of office of the Members of the Council shall be such as may be prescribed.

(II) The Council shall, subject to such regulations as made in this behalf, appoint officers and other employees, as it may deem necessary.

(12) The Members, officers, and staff appointed by the Council subject to other conditions of service, shall be entitled to such remunerations as may be prescribed.

**15.** The Central Government shall take steps to incentivise private establishments to provide equal employment opportunities to women.

Central Government to incentive the private establishment.

**16.** Where any person responsible for implementing the provisions of this Act or the rules made thereunder, intentionally contravenes any of the provisions thereof, he shall be liable for disciplinary action under the service rules applicable to such person.

Disciplinary action for contravention of provisions of Act.

**17.** The Government may, for giving effect to the provisions of this Act or the rules thereunder, issue such directions to establishments, as it deems fit.

Power to issue directions.

**18.** (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely—

(a) the manner of reservation under sub-section (1) of section 3;

(b) the manner of filling vacancies under sub-section (2) of section 3;

(c) the exemption, or the extent of reduction in examination fee and application fee under section 7;

(d) the rank of the officer to be designated as the liaison officer under sub-section (1) of section 12;

(e) the document of records to be maintained and the time and manner of furnishing report under sub-section (1) of section 13.

(3) Every rule made by the Central Government under this section shall be laid, as soon as may be, after it is made, before each House of the Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or

both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

#### STATEMENT OF OBJECTS AND REASONS

The promise of equal opportunity for women has remained as a mere promise in our country since independence. Though our Constitution has guaranteed these promises in terms of the fundamental right of equality, women are deprived of employment opportunities however they are qualified and deserving. It is high time that the women community is unshackled from their discriminatory status in the society.

Article 15 of the Constitution of India further prohibits discrimination on the basis of sex, even as it allows for State to make special provisions for women. This is in line with the provisions on international conventions like the Universal Declaration of Human Rights (1948), the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (1979) [CEDAW]. Article 4(2) of CEDAW allows for special measures to be taken in the case of accelerating equality of men and women. This principle has been reiterated in article 5 of Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

India has been a signatory of the United Nations and the International Labour Organisation Conventions recognising the equality of the sexes. Further, it has adopted legislations that uphold Equal Remuneration, Maternity Benefits, etc. However, women in many parts of the country are kept away from active participation in the workplace.

This Bill aims to ensure that women find a respectful position in the society by bringing an end to the discrimination meted out of them. The State shall endeavour to take a progressive step towards providing women thirty per cent. reservation in all workplaces across the country.

Hence this Bill.

NEW DELHI;

*November 28, 2018.*

SHIVAJI ADHALRAO PATIL

#### FINANCIAL MEMORANDUM

Clause 14 of the Bill provides for constitution of a Council on Women's Welfare at Workplace. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of rupees One hundred crore would be involved from the Consolidated Fund of India.

A non-recurring expenditure of rupees fifty crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 18 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 256 OF 2018

*A Bill to provide for free and compulsory primary, secondary, higher and technical education to every child in order to eradicate their illiteracy and overall development and for deterrent punishment to those who prevent their children from going to school and pursuing their studies in any manner and for matters connected therewith and incidental thereto.*

Be it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

**1. (1)** This Act may be called the Free and Compulsory Primary, Secondary, Higher and Technical Education Act, 2018.

Short title  
and extent.

**(2)** It extends to the whole of India.

Definitions.

**2.** In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State, and in all other cases, the Central Government;

(b) "child" means a male or a female who has attained the age of four years but has not attained the age of twenty-five years;

(c) "higher and technical education" means education beyond senior secondary level and includes education in the fields of law, theology, medicine, technology, business, music or art;

(d) "parent" in relation to a child includes guardian and every person who has the actual custody of the child for the time being;

(e) "prescribed" means prescribed by rules made under this Act; and

(f) "primary and secondary education" means education in a school from primary to senior secondary level.

Compulsory admission of children in school and prohibition on their employment.

**3.** (1) Notwithstanding any custom, usage or belief of any section of the society, every parent shall compulsorily admit his children in a school, on completion of four years of age in order to enable them to get primary education and shall not restrain him in any manner from attending the school.

(2) No person including a parent shall engage a child in any household job or employ a child in a manner which prevents the child from attending the school and deprives him from primary, secondary, higher and technical education.

(3) Whoever contravenes the provisions of sub-section (1) or (2) shall be guilty of an offence under this Act.

Appropriate Government to provide free and compulsory primary, secondary, higher and technical education to every child.

**4.** (1) The appropriate Government shall provide free and compulsory primary, secondary, higher and technical education to every child, who is ordinarily residing within its territorial jurisdiction.

(2) The appropriate Government shall establish adequate number of schools within its territorial jurisdiction including special schools for physically challenged children at such places as it may deem necessary with such basic facilities, as may be prescribed.

(3) If any child intends to pursue higher studies beyond the primary and secondary educational levels, the appropriate Government shall provide free higher and technical education to such child with all such facilities, as may be prescribed.

(4) The appropriate Government shall provide the following facilities to every student enrolled in primary to secondary schools and in higher and technical educational institutions:—

(i) free books, note books and stationery items;

(ii) free school uniforms;

(iii) free hostel facilities and meals;

(iv) free vocational training wherever necessary;

(v) scholarships in such cases, as may be prescribed; and

(vi) free transportation service between institute and hostel.

Central Government to provide adequate funds.

**5.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide necessary funds to the State Governments, from time to time, for carrying out the purposes of this Act.

Penalty.

**6.** (1) If any person including a parent for any reason whatsoever, prevents or restrains or in any manner obstructs the child from receiving primary, secondary, higher or technical education, such person shall be liable to simple imprisonment for a term which may extend upto six months and also with a fine which may extend upto fifty thousand rupees.

(2) Whoever employs a child resulting in obstructing him from attending the school for primary and secondary education shall be liable to imprisonment for a term which shall not be less than two years but may extend upto five years and also with fine which may extend upto one lakh rupees.

2 of 1974.

**7.** Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the offences under this Act shall be cognizable.

Offences to be cognizable.

**8.** The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have overriding effect.

**9. (I)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

#### STATEMENT OF OBJECTS AND REASONS

Article 21A of the Constitution provides that it is the responsibility of the State to provide free and compulsory education to all children of age six to fourteen years. Although, Government has taken many steps in this regard but they are inadequate. We have not been able to provide education to all children even after seventy-one years of independence.

The ability to read and write is an essential element of human capability. Literacy is the first step towards acquiring tools of learning and opening the doors for knowledge and information. Education expands opportunities for human beings, empowers them to resist oppression and to claim their rights.

Our education system is very expensive and all citizens cannot afford it. The poor parents with meagre incomes are unable to send their children to school for primary, secondary, higher and technical education. Therefore, it is necessary to provide textbooks, scholarships, hostel facilities, etc. to the poor students so that parents are encouraged to send their children to school to pursue higher studies thereafter. Therefore, it is necessary to provide for free and compulsory education at all levels including primary, secondary, higher and technical education with scholarships to meritorious students.

Hence this Bill.

NEW DELHI;  
*November 28, 2018.*

SHIVAJI ADHALRAO PATIL

#### FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for free and compulsory education to children by opening adequate number of schools including special schools for physically challenged children. Clause 5 provides that Central Government shall provide necessary funds to the State Governments for carrying out the purposes of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one hundred crore will be involved as recurring expenditure per annum from the Consolidated Fund of India.

A sum of rupees fifty crore will also be involved as non-recurring expenditure.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the provisions of this Bill. The rules will relate to matters of detail only. The delegation of legislative power is of normal character.

**BILL No. 49 OF 2018**

*A Bill further to amend the Motor Vehicles Act, 1988.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Short title and commencement.

**1. (I)** This Act may be called the Motor Vehicles (Amendment) Act, 2018.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2.** After section 207 of the Motor Vehicles Act, 1988, the following section shall be inserted, namely—

Insertion of new section 207A.

Release of motor vehicle seized and detained by police officer on payment of the insured value.

59 of 1988

"207A. (I) Notwithstanding anything contained in this Act, every motor vehicle seized and detained by any police officer or other person authorized in this behalf shall, pending the final outcome of the Court trying the case, after verification of relevant documents, be released to the owner or person in-charge of the motor vehicle after payment of the insured value of the motor vehicle under consideration in such manner as may be prescribed:

Provided that the motor vehicle seized and detained in the case of a road accident or murder shall be released, subject to such conditions, as may be prescribed by the Court trying the case.

(2) The owner or person in-charge of the motor vehicle shall, prior to release of the motor vehicle under sub-section (I), submit an undertaking or guarantee to remit the excess proceeds, if any, from the sale or auction of the motor vehicle and be punished as per provisions of this Act if the Court adjudicating the case finds that the rightful ownership does not vest with the owner or person in-charge of the motor vehicle, as the case may be.".

#### STATEMENT OF OBJECTS AND REASONS

At present the huge number of motor vehicles seized and detained by the police officer are being junked and left to perish in police stations. As per the provisions of the Motor Vehicles Act, 1988, for release of the vehicle, it is required to move an application in court having proper jurisdiction which is cumbersome and takes a long period of time for its disposal.

Honb'le Supreme Court in the case of General Insurance Council & Ors. Vs. State of Andhra Pradesh & Ors. on 19 April, 2010 have permitted insurance companies/owners concerned to take possession of seized vehicles, used in commission of offences, after getting the release order from the competent court. The Supreme Court while making the Judgement have stated *inter alia*—

".....the following further directions with regard to seized vehicles are required to be given.

(A) Insurer may be permitted to move a separate application for release of the recovered vehicle as soon as it is informed of such recovery before the Jurisdictional Court. Ordinarily, release shall be made within a period of 30 days from the date of the application. The necessary photographs may be taken duly authenticated and certified, and a detailed *panchnama* may be prepared before such release.

(B) The photographs so taken may be used as secondary evidence during trial. Hence, physical production of the vehicle may be dispensed with.

(C) Insurer would submit an undertaking/guarantee to remit the proceeds from the sale/auction of the vehicle conducted by the Insurance Company in the event that the Magistrate finally adjudicates that the rightful ownership of the vehicle does not vest with the insurer. The undertaking/guarantee would be furnished at the time of release of the vehicle, pursuant to the application for release of the recovered vehicle. Insistence on personal bonds may be dispensed with looking to the corporate structure of the insurer....

.....It is a matter of common knowledge that as and when vehicles are seized and kept in various police stations, not only they occupy substantial space of the police stations but upon being kept in open, are also prone to fast natural decay on account of weather conditions. Even a good maintained vehicle loses its road worthiness if it is kept stationary in the police station for more than fifteen days. Apart from the above, it is also a matter of common knowledge that several valuable and costly parts of the said vehicles are either stolen or are cannibalised so that the vehicles become unworthy of being driven on road."

The Bill, therefore, seeks to amend the Motor Vehicles Act, 1988 with a view to enable the owner or person in-charge of the motor vehicle to get the motor vehicle under consideration of the Court released after payment of the insured value of the motor vehicle.

Hence this Bill.

NEW DELHI;  
February 9, 2018.

VINOD KUMAR SONKAR

## BILL NO. 243 OF 2018

*A Bill to provide for regularisation of the services of Anganwadi Workers and conferring the status of not less than those of Group 'C' employee of the Central Government on such Anganwadi Workers*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Short title,  
extent and  
commencement.

**1. (1)** This Act may be called the Anganwadi Workers (Regularisation of Service and Welfare) Act, 2018.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Office Gazette, appoint.

**2.** In this Act, unless the context otherwise requires,—

Definitions.

(a) "anganwadi" means an anganwadi centre set up by the Central Government or State Government or Union Territory Administrator to implement the Integrated Child Development Scheme;

(b) "anganwadi worker" means any person working in an anganwadi on regular or contract or daily wages basis; and

(c) "prescribed" means prescribed by rules made under this Act.

**3. (1)** The Central Government shall, by notification in the Official Gazette, take all such steps as may be necessary to regularize the services of anganwadi workers and confer the status of not less than those of Group 'C' employees of the Central Government on all such anganwadi workers.

Regularisation  
of services of  
anganwadi  
workers.

(2) The Central Government shall also provide such wages and welfare facilities as are available to, or not less than, Group 'C' employees of the Central Government.

**4.** The provision of this Act shall be in addition to, and not in derogation of the provisions of any other law for the time being in force.

Savings.

**5. (1)** The Central Government shall, by notification in the Official Gazette, make rules for carrying out all purposes of this Act ensuring the service status and welfare of the Anganwadi workers.

Power to  
make rules.

(2) Every rule made under this section shall be laid, as soon as may be after it is made before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions aforesaid both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity or anything previously done under that rule.

#### STATEMENT OF OBJECTS AND REASONS

Anganwadi Centres were started in this country by the Central Government and State Governments for implementation of the Integrated Child Development Services Scheme. It includes the comprehensive development of health awareness among women and child welfare. The Contribution of Anganwadi Centres is remarkable and has become an integral and essential part of life in rural areas. The Anganwadi workers are good promoters of various schemes of the Central Government and State Government and ensuring the health and welfare of child and women. The duties and service rendered by the Anganwadi workers are very important for the protection of the health and welfare of women and children. The Anganwadi workers do not have job security and the honorarium given to them are not sufficient to meet their immediate basic requirements. This may adversely affect the working of the Integrated Child Development Scheme.

The Anganwadi workers are one of the main links between Government and general public. They are helping the Government for the effective implementation of women and children health and welfare scheme. Considering the importance of their duties and service it is highly necessary to protect their service and welfare.

Hence this Bill.

NEW DELHI;  
*November 19, 2018.*

N.K. PREMACHANDRAN

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for regularization the services of anganwadi workers and confer the status not less than those of Group 'C' employees of the Central Government on all such anganwadi workers. It also provides for such wages and welfare measures as are available to or not less than Group 'C' employees of the Central Government to anganwadi workers. The Bill, therefore, if enacted would involve expenditure from the consolidated Fund of India. A recurring expenditure of about rupees three thousand crore is likely to be involved per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees three thousand crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purpose of the Bill. As the rules will relate to matters of detail only, the delegation of legislation powers is of a normal character.

## BILL NO. 217 OF 2018

*A Bill further to amend the Mahatma Gandhi National Rural Employment Guarantee Act, 2005.*

BE it enacted by the Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Short title and commencement.

**1. (1)** This Act may be called the Mahatma Gandhi National Rural Employment Guarantee (Amendment) Act, 2018.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

42 of 2005

**2.** In section 3 of the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (hereinafter referred to as the principal Act),—

Amendment  
of section 3.

(a) in sub-section (1), for the words "one hundred days", the words "two hundred days" shall be substituted; and

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) Every person who has done the work given to him shall be entitled to receive wages at the rate of rupees eight hundred or at the wage rate for each day of work, whichever is higher.".

**3.** In the principal Act, in Schedule II, after paragraph 35, the following paragraphs shall be inserted, namely:—

Amendment  
of Schedule II.

34 of 1948

"36. Every registered person under the Scheme shall be entitled to the benefit of Employees' State Insurance Scheme formulated under Employees State Insurance Act, 1948.

37. It shall be the duty of the Gram Panchayat to register all registered persons after making such enquiry as it deems fit and to comply all the procedure formalities to issue Employees' State Insurance Scheme card containing such details of members of the household affixing their photographs for extending the benefit of Employees' State Insurance Scheme as may be prescribed by the State Government.".

#### STATEMENT OF OBJECTS AND REASONS

The Mahatma Gandhi National Rural Employment Guarantee Act, 2005 is a social security legislation that provides employment for rural population and ensuring minimum number of employment days.

Keeping in view the changing needs of the society, it is essential to amend the law for providing more working days, high wages and health amenities to the registered persons under the Act. The present number of days of employment wages are very less and the registered persons are not able to find out their primary needs depending on the employment and salary as per the scheme formulated under the parent Act. The social security welfare measures provided to the workers are also less. It is highly necessary to increase the number of working days and wages. Moreover, providing health protection to the registered persons under Employees' State Insurance Scheme is also inevitable.

The Bill, therefore, seeks to amend the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 with a view to—

- (a) increase the maximum number of days of employment to the registered persons from hundred days to two hundred days;
- (b) increase the wages per day to a minimum of rupees eight hundred; and
- (c) extend the benefit of Employees' State Insurance Scheme to all the registered persons under the Act.

Hence this Bill.

NEW DELHI;

N.K. PREMACHANDRAN

*November 19, 2018.*

#### FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for increasing the number of days of employment of the registered persons from one hundred days to two hundred days under the Act. It also provides for ensuring minimum wage of registered persons to rupees eight hundred for each day of work. Clause 3 provides for extending the benefit of Employees' State Insurance Scheme to all the registered persons under the Act. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees ten lakh crore per annum is likely to be involved from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill *vide* proposed paragraph 37 empowers the State Government to prescribed rules for ensuring Employees' State Insurance Scheme benefits to the registered persons. As the rules will relate to matters of detail only, the delegation of legislative powers is of a normal character.

## BILL NO. 216 OF 2018

*A Bill to provide for regularization of the services of ASHA workers conferring the status of permanent employee of the Government on them and for matters connected therewith.*

Be it enacted by the Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Short title,  
extent and  
commencement.

**1. (I)** This Act may be called the ASHA Workers (Regularization of Service and Other Benefits) Act, 2018.

(2) It extends to the Union territories only.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

**2.** In this Act, unless the context otherwise requires,—

(a) "ASHA worker" means accredited social health activist working as community health worker instituted by the Government of India, Ministry of Health and Family Welfare as a part of National Health Mission; and

(b) "prescribed" means prescribed by rules made under this Act.

**3. (1)** The Central Government shall, by notification in the Official Gazette, take steps to regularize the services of ASHA workers and confer the status of Group "C" employees of the Government on such ASHA workers who are serving in National Health Mission immediately before the commencement of this Act.

Regularization  
of services of  
ASHA  
workers.

**(2)** Every ASHA worker whose service has been regularized shall be entitled to such tenure, terms and conditions of service including remuneration, leave, provident fund, retirement and other terminal benefits as are available to Group "C" employees of the Central Government.

Accommodation  
to ASHA  
workers.

**4.** The Central Government shall take steps to provide accommodation to all ASHA workers within the vicinity of their workplace.

Power to  
remove  
difficulty.

**5.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this section after expiry of two years from the date of commencement of this Act.

**6.** The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Provisions of  
the Act to be  
in addition to  
other laws.

**7. (1)** The Central Government may make rules for carrying out the purposes of this Act.

Power to  
make rules.

**(2)** Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive session aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

#### STATEMENT OF OBJECTS AND REASONS

ASHA workers the accredited social health activist are working under the Ministry of Health and Family Welfare as part of National Health Mission contributing remarkable service in Health sector. The ASHA workers working as link between Health Department and Common man so as to create awareness and promote health activities in the country. The contribution of ASHA workers are helpful to improve the health standard of the country. The ASHA workers are good promoters of various schemes of the Central Government and State Government and ensuring the health of common man. The duties and service rendered by the ASHA workers are very important for the protection of the health. The ASHA workers do not have job security and the honorarium given to them are not sufficient for meet their immediate requirement. This may adversely affect the working of the integrated child development scheme.

The ASHA workers are one of the main link between Government and general public. They are helping the Government for the effective implementation health programmes. Considering the importance of their duties and service, it is highly necessary to protect their service and welfare.

Hence this Bill.

NEW DELHI;  
*November 19, 2018.*

N.K. PREMACHANDRAN

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides the regularization of service of ASHA workers and confer the status, wages and welfare not less than the status, wages and welfare of Group "C" employees of the Central Government. Clause 4 provides for provision of accommodation to ASHA workers. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees three thousand crore per annum is likely to be incurred from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five thousand crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purpose of the Bill. As the rules will relate to matters of detail only, the delegation of legislation powers is of a normal character.

## BILL NO. 158 OF 2018

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Short title and commencement.

**1. (1)** This Act may be called the Constitution (Amendment) Act, 2018.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of article 142.

**2.** In article 142 of the Constitution, after clause (1), the following proviso is shall be inserted, namely—

"Provided that such decree or order, [etc. under this clause] shall be passed or made by a Bench consisting of not less than five judges of the Supreme Court.

Provided further that the Supreme Court shall not, in exercise of its powers under this clause, make an order or issue any direction which overrides an express provision contained in any law made by a competent legislature.

Provided also that where a decree or order has been passed or made by the Supreme Court on a subject in respect of which no statutory provision has been made by the competent legislature and decree or order shall remain in operation till the competent legislature exercises its power to make statutory provision on that subject and, if the statutory provision so made is inconsistent with the decree or order passed or made by the Supreme Court or made "the statutory provision shall prevail notwithstanding such inconsistency"."

#### STATEMENT OF OBJECTS AND REASONS

Article 142 of the Constitution confers upon the Supreme Court the power to pass decrees and make orders for doing complete justice. The amplitude of the power under the article has been construed widely by various judicial pronouncements. The fact that only the Supreme Court and not the High Courts have been given this power, places the Supreme Court as the sole repository of such wide-ranging powers.

The Supreme Court has made ample use of this overarching power. However, the directions issued in exercise of this power have often trespassed into the domain of the legislature and thus transgressed the established principle of separation of powers, now proclaimed as a basic feature of the Constitution. Not only has the court issued directions that ideally belong to the functions of the legislature, but the court has also made orders which contradict and run contrary to the existing statutory provisions.

In order to restore the balance between the judiciary and the legislature, it is necessary that the scope of power of the Supreme Court under article 142, as interpreted by the court itself, is restrained in order to prevent any encroachment on the legislative domain.

Towards this end, the Bill seeks to amend article 142 with a view to provide that—

- (a) a decree or order, etc. passed and made under article 142 shall be issued only by a Bench consisting of not less than five judges of the Supreme Court;
- (b) the Supreme Court shall not issue an order overriding an express statutory provision;
- (c) the directions under article 142 shall be in operation only till the competent legislature has not made any statutory provisions on the subject; and
- (d) the competent legislature shall have express powers to override any directions issued under article 142 of the Constitution.

Hence this Bill.

NEW DELHI;  
*July 10, 2018.*

BHARTRUHARI MAHTAB

**BILL NO. 152 OF 2018**

*A Bill further to amend the Code of Civil Procedure, 1908.*

BE it enacted by Parliament in the Sixty-ninth year of the Republic of India as follows:—

Short title and commencement.

**1. (1)** This Act may be called the Code of Civil Procedure (Amendment) Act, 2018.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Substitution of new section for section 35A.

**2.** In the Code of Civil Procedure, 1908 (hereinafter referred to as the Code), for section 35A, the following section shall be substituted, namely:— 5 of 1908.

Costs in respect of false or vexatious or defences.

"35A. (1) If any suit or other proceedings, including an execution proceedings but excluding an appeal or a revision, any party objects to the claim or defence on the ground that the claim or defence or any part of it is, as against the objector, false or vexatious to the knowledge of the party by whom it has

been put forward, and if thereafter, as against the objector, such claim or defence is disallowed, abandoned or withdrawn in whole or in part, the Court, if it so thinks fit, may, after recording its reasons for holding such claim or defence to be false or vexatious, make an order for the payment to the objector by the party by whom such claim or defence has been put forward, of such compensatory, punitive and prohibitive costs as appear to the Court to be in the interest of justice.

(2) In determining the amount of costs under sub-section (1), the Court shall give due regard to the inconvenience faced by the objector against whom false or vexatious claims were made, the costs of litigation, the loss of reputation of the objector due to such claims and the loss of judicial time:

Provided that no Court shall make any such order for the payment of an amount exceeding the limits of its pecuniary jurisdiction.

(3) No person against whom an order has been made under this section shall, by reason thereof, be exempted from any criminal liability in respect of any claim or defence made by him.

(4) The amount of any compensation awarded under this section in respect of a false or vexatious claim or defence shall be taken into account in any subsequent suit for damages or compensation in respect of such claim or defence.".

3. For section 35B of the Code, the following section shall be substituted, namely:—

"35B. (1) If, on any date fixed for the hearing of a suit or for taking any step therein, a party to the suit—

(a) fails to take the step which he was required by or under this Code to take on that date, or

(b) obtains an adjournment for taking such step or for producing evidence or on any other ground,

the Court shall make an order imposing such compensatory, punitive and prohibitive costs as appear to the Court to be in the interest of justice and payment of such costs, on the date next hearing following the date of such order, shall be a condition precedent to the further prosecution of—

(a) the suit by the plaintiff, where the plaintiff was ordered to pay such costs;

(b) the defence by the defendant, where the defendant was ordered to pay such costs.

*Explanation.*—Where separate defences have been raised by the defendants or groups of defendants, payment of such costs shall be a condition precedent to the further prosecution of the defence by such defendants or groups of defendants as have been ordered by the Court to pay such costs.

(2) In determining the amount of costs under sub-section (1), the Court shall give due regard to the inconvenience faced by the other party due to delays caused by the delinquent party, the costs of litigation and the loss of judicial time:

Provided that no Court shall make any such order for the payment of an amount exceeding the limits of its pecuniary jurisdiction.

(3) The Court may, for reasons to be recorded, exempt invocation of sub-section (1) if it so deems fit.".

Substitution of new section for section 35B.

Costs for causing delay.

### STATEMENT OF OBJECTS AND REASONS

Delays in judicial processes are order of the day. According to an estimate, judicial delays costs our nation around 0.5 per cent of Gross Domestic Product (GDP) in terms of lost man-hours, litigation costs, disruption in productive activities. A major cause of prolonged judicial proceedings is the tendency among parties to litigation to seek adjournments on one excuse after the other. Moreover, many a time parties make false or frivolous claims in judicial proceedings and employ it as a dilatory tactic to delay timely conclusion of the proceedings.

Though there are provisions in the Code of Civil Procedure, 1908 under section 35A and section 35B, these provisions have largely proved to be inadequate to address the malaise of prolonged judicial proceedings due to various reasons.

Firstly, section 35B of the Code makes it discretionary for the courts to impose costs for causing delays. As a result, litigants often try to delay judicial proceedings and get away without any penalty. Acknowledging the importance of invoking section 35B of the Code of Civil Procedure, the Supreme Court observed in Vinod Seth's case that section 35B providing for costs for causing delay should be regularly employed to reduce delay. The Supreme Court has, in many recent cases, imposed costs as high as twenty-five lakh rupees for wasting judicial time.

Secondly, section 35A provides for only compensatory costs in respect of false or vexatious claims or defences and disregards the need to impose punitive costs on delinquent parties so as to prohibit them from making false or vexatious claims or defences.

Thirdly, the said section 35A lays down an upper limit of a mere three thousand rupees for compensatory cost and that too is seldom invoked. Though the Supreme Court and the High Courts have plenary powers under their writ jurisdiction to award higher costs, the exercise of power to impose cost by the lower courts is largely fettered by the monetary ceiling laid down under section 35A.

It is, therefore, high time that section 35A and 35B are amended to make them more effective in addressing delays in courts.

With the above objects in view, the Bill seeks to amend the Code of Civil Procedure, 1908 with a view to—

(a) provide that it shall be mandatory for courts to impose costs for causing delays, and in only exceptional cases, for reasons to be recorded, the courts may do away with such imposition of such costs;

(b) provide for imposition of punitive costs in addition to compensatory costs in cases of false or vexatious claims or defences;

(c) do away with the maximum ceiling of three thousand rupees on costs imposable under section 35A of the Code; and

(d) provide that the Court shall give due regard to factors such as the inconvenience faced by the aggrieved party, costs of litigation and loss of judicial time while imposing cost on delinquent parties so that the costs imposed are prohibitive.

The Bill seeks to achieve the above objects.

## BILL NO. 223 OF 2018

*A Bill to regulate employment agencies for the help of domestic workers, interns and other employees seeking employment, apprenticeship or internship with employers indulged in legitimate occupation in order to enhance social security of employees and for matters connected therewith or incidental thereto.*

BE it enacted in the Parliament in the Sixty-ninth Year of the Republic of India as follows:—

### CHAPTER I

#### PRELIMINARY

**1. (1)** This Act may be called the Employment Agencies (Regulation) Act, 2018.

Short title,  
extent and  
commencement.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

**2.** In this Act, unless the context otherwise requires,—

- (a) "appropriate Government" means in the case of a State the Government of that State and in all other cases, the Central Government;
- (b) "child" means a person who has not attained the age of eighteen years;
- (c) "domestic worker" means any person who is employed for remuneration in any household, through any agency either on a temporary, permanent, part time or full time basis;
- (d) "employee" means any person who is employed or engaged on contract basis, continuously for a period not less than one hundred and eighty days, in an establishment to do any work for remuneration;
- (e) "employer" means a person who hires the service of another person whether part time or full time and includes a natural or judicial person or an association of such persons by whom any person is engaged or employed through any agency for remuneration;
- (f) "employment agency" means an agency involved in the employment of persons in any capacity and finding workers employment with employers or of supplying employers with workers for employment by them; whether physically established or operating electronically/online through a website and includes a placement agency or any agency by whatever name called carried on (whether for the purpose of gain or reward or not).
- (g) "intern" means any person who is employed or engaged on contract basis, continuously for a period less than one hundred and eighty days in an establishment to do any work;
- (h) "license" means a licence granted under this Act;
- (i) "licensee" means the person to whom a licence is granted under this Act; and
- (j) "prescribed" means prescribed by rules made under this Act.

## CHAPTER II

### RESTRICTIONS

Act not in  
derogation of  
other laws.

**3.** Nothing in this Act shall operate to relieve any employment agency of any duty or liability imposed upon it by any other law for the time being in force or to limit any powers given to any public officer under any other law.

Prohibition on  
employment  
of a child.

**4.** No child shall be employed as a domestic worker or for any work which is prohibited under any law for the time being in force.

Employment  
for illegal  
occupations.

**5.** No employment agency shall hire for employers engaged in occupation deemed illegal by the Government of India such as gambling.

## CHAPTER III

### LICENSING

Persons  
carrying on an  
employment  
agency to be  
Licensed.

**6. (1)** No person shall carry on an employment agency unless he is the holder of a license authorizing him to carry on such an agency.

**(2)** The appropriate Governments shall on an application from an agency for functioning as an employment agency in the prescribed format, issue a license after having been duly satisfied that:

- (a) the agency is registered either as a sole proprietorship, partnership firm, company or as a non-profit organization;

(b) maintains proper books of accounts, Memorandum of association, rules, bye laws, as the case may be and the details of the office bearers of the organization and details of persons employed by such agency;

(c) that there is no criminal cases pending against the said agency or agency owners or both; and

(d) premises or place being or to be used for the purpose of placement or employment agency exists are as per requirement.

(3) The form of a licence which may be granted or renewed under this Act, the conditions subject to which the licence may be granted or renewed, the fees payable for the grant or renewal of a licence and the security, if any, required to be furnished for the due performance of the conditions of the licence shall be such as may be prescribed.

(4) Every employment agency shall, upon issues of license which is valid for a period of twelve months and is to be renewed periodically, furnish to the appropriate (Government, quarterly of details of the persons who are registered with the agency for employment:—

(a) the details of the addresses where these persons are placed;

(b) the fees charged against each individual for placement; and

(c) proof of adequate verification process for each individual.

**7. The appropriate Government shall, by notification in the Official Gazette,—**

Appointment  
of licensing  
officers.

(a) appoint such persons, being officers of appropriate Government, as it thinks fit to be licensing officers for the purposes of this Act; and

(b) define the limits, within which a licensing officer shall exercise the jurisdiction and powers conferred on licensing officers by or under this Act.

**8. (1)** Every owner of the employment agencies to which this Act applies shall, within the period as the appropriate Government may fix, make an application to the licensing officer in such form and manner and on payment of such fees as may be prescribed for the license of employment agency.

Procedure for  
licensing of  
agency.

(2) The licensing officer shall within one month after the receipt of an application for license, if the application is complete in all respects, issue license to the employment agency or if the application is not so complete then return the application to the principal owner of the agency in such manner as may be prescribed.

(3) No principal owner of the employment agency to which the Act applies shall procure or place any worker or employee or intern in any household or any other work unless he holds a valid license issued to the agency under this Act.

**9.** If the licensing officer is satisfied either on a reference made to him or otherwise that the license granted to any employment agency has been obtained by misrepresentation or suppression of any material fact or the holder of the license has without reasonable cause failed to comply with the conditions subject to which the license was granted or has contravened any provisions of the Act or rules made thereunder then the licensing officer after giving the reasonable opportunity to the principal owner of the agency to be heard, by order in writing revoke the license and communicate it to the principal owner in such manner as may be prescribed.

Revocation of  
license.

**10.** Where an order of revocation becomes effective under section 9, the licensee concerned shall forthwith cease to carry on the employment agency:

Effect of  
revocation.

Provided that revocation of license shall not prejudice the enforcement by any person of any right or claim against the licensee concerned or by the licensee concerned of any right or claim against any person arising out of or concerning any matter or thing done prior to the revocation of the license.

## CHAPTER IV

### POWERS AND DUTIES OF LICENSED EMPLOYMENT AGENCIES

Fees for services rendered.

**11.** (1) It shall be lawful for a licensee to charge and receive such fees as may be prescribed, from time to time.

(2) No licensee shall charge or receive any form of fees, remuneration, profit or compensation otherwise than as may be prescribed.

Maintenance of registers.

**12.** (1) Every employment agency shall maintain the records of all the domestic workers and other workers or employees being contracted by them for purposes of employment.—

(2) The record maintained under sub-section (1) shall consist of the following:—

(a) name and address of the employer under whom such domestic worker or any other employee or intern is working;

(b) the period of employment;

(c) rate of wages and the mode of payment of the wages;

(d) displacement allowance payable;

(e) passport size photograph of the employer and the domestic worker or any other employee or intern;

(f) nature of work and the working hours; and

(g) copy of contract.

Ensure the given minimum terms of contract.

**13.** The terms of contract between employee and the employment agency shall include *inter-alia* the following:—

(a) whether the work-seeker is or may be employed by the employment business under a contract of service or apprenticeship or internship, or a contract for services, and in either case, the terms and conditions of employment of the work-seeker which apply, or may apply;

(b) an undertaking that the agency shall pay the work-seeker in respect of work done by him, whether or not it is paid by the hirer in respect of that work;

(c) The length of notice of termination which the work-seeker may be required to give, and which he shall be entitled to receive in respect of particular assignments with hirers;

(d) the rate of remuneration payable to the work seeker; and

(e) the minimum rate of remuneration, the employment business reasonably expects to achieve for the work-seeker, details of the intervals at which remuneration shall be paid and such other amenities.

Entering into a contract on behalf of a client.

**14.** (1) An employment agency shall not enter into nor purport to enter into, a contract:—

(a) on behalf of a work-seeker with a hirer; or

(b) on behalf of a hirer, with a work-seeker,

unless the following requirements are fulfilled—

(a) the person for whom the employment agency acts has appointed the agency as his agent with authority to enter into the contract on his behalf; and

(b) where the agency acts for the work-seeker, it has been permitted by the act to charge a fee in relation to the introduction or supply to which the contract relates.

(2) where an employment agency enters into a contract on behalf of a work-seeker with a hirer, or on behalf of a hirer with a work-seeker, the agency shall ensure that the terms of the contract are notified to the party on whose behalf the agency

entered into the contract, as soon as is reasonably practicable and in any event no later than the end of the fifth business day following the day on which such agency entered into the contract.

(3) Where an employment agency enters into a contract on behalf of a work seeker with a hirer, or on behalf of a hirer with a work-seeker, the agency shall ensure that the terms of the contract are notified to the party or parties to the contract other than the party on whose behalf the contract was entered into, as soon as is reasonably practicable and in any event no later than the end of the fifth business day following the day on which the agency entered into the contract.

## CHAPTER V

### GRIEVANCE REDRESSAL AND DISPUTE RESOLUTION

**15. (1)** Any person aggrieved by an order made under section 9, may, within thirty days from the date on which such order is communicated to him, prefer an appeal to an appellate officer who shall be a person nominated in this behalf by the appropriate Government:

Appeals.

Provided that the appellate officer may entertain the appeal after the expiry of the said period of thirty days, if he is satisfied that the appellate was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the appellate officer shall, after giving the appellate an opportunity of being heard, dispose of the appeal as expeditiously as possible.

**16.** No court shall take cognizance of any offence under this Act except on a complaint made by an inspector or authorized person or a non-Governmental Organization and no court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

Cognizance of offences.

## CHAPTER VI

### APPOINTMENT AND DUTIES OF INSPECTORS

**17. (1)** The appropriate Government may, by notification in the Official Gazette, appoint such persons as it thinks fit to be inspectors for the purposes of this Act, and define the local limits within which they shall exercise their powers under this Act.

Role of inspector.

(2) Subject to any rules made in this behalf, within the local limits for which he is appointed, an inspector may—

(a) if he has reason to believe that any Child is employed in any premises or place, enter, at all reasonable hours, with such assistants (if any), being persons in the service of the Government or any non-Governmental organization as he thinks fit;

(b) if he has a reason to believe that any illegal work is being undertaken in any premises or place, enter, at all reasonable hours, with such assistants (if any), being persons in the service of the Government or any non-Governmental organization as he thinks fit;

(c) satisfy himself whether the provisions of this Act are being complied with;

(d) at any reasonable time, and without previous notice, enter and inspect any employment agency or any premises reasonably suspected of being used for the purposes of an employment agency, and examine all books, or other documents found in the premises, which may appear to him to be the property of or to have been used for the purposes of an employment agency and remove them for further examination; seize or take copies of such register, record of wages, or notices or portions thereof as he may consider relevant in respect of an offence under this Act which he has reason to believe has been committed by a principal employer or contractor; and

(e) exercise such other powers as may be prescribed.

(3) Where there is reason to believe that any person has been subjected to any form of abuse which *prima facie* discloses the commission of any cognizable offence, the Inspectors shall take assistance from any non-Governmental Organization agency in rescue and rehabilitation of victims in such manner as may be prescribed.

(4) Any person required to produce any document or thing, or to give any information required, by an Inspector under sub-section (2), or by a person appointed under sub-section (3), shall be deemed to be legally bound to do so within the meaning of section 175 and section 176 of the Indian Penal Code, 1860.

(5) The provisions of the Code of Criminal Procedure, 1973, shall, so far as may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under section 94 of the said Code.

45 of 1860.

2 of 1974.

## CHAPTER VII

### OFFENCES AND PENALTIES

Penalty for  
not obtaining  
license under  
the Act.

**18.** Any person who contravenes or fails to comply with the provisions in Chapter III of the Act shall be guilty of an offence and shall be liable to a fine not exceeding rupees fifteen thousand and in the case of a second or subsequent conviction to a fine not exceeding rupees thirty thousand and /or to imprisonment for a term not exceeding six months or with both.

**19.** Whoever, if any licensee,—

(a) charges or receives himself or through another person, for his services, any sum greater than the prescribed fee; or

(b) knowingly and voluntarily deceives any person by giving false information; or

(c) instigates or induces any person not to admit in his service any employee who has not applied for employment, work or position through his employment agency; or

(d) knowingly sends, directs or takes any girl or woman to any place for immoral purposes or to a place where she is likely to be morally corrupted; or

(e) make available young children as domestic workers; or

(f) fail to maintain records of the workers placed by them; or

(g) fails to adhere to any other matter as may be prescribed,

shall be punished with imprisonment for a term which shall not be less than six months but which may extend upto seven years and with fine which may extend upto rupees fifty thousand or with both.

Offences by  
Companies.

**20. (1)** Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly. Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

**(2)** Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager,

secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*—For the purposes of this section,—

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

## CHAPTER VIII

### MISCELLANEOUS PROVISIONS

**21.** (1) The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law or in the terms of any agreement or contract of service, or in any standing orders applicable to the establishment whether made before or after the commencement of this Act.

Effect of laws and agreements inconsistent with the Act.

(2) Nothing contained in this Act shall be construed as precluding any domestic worker or employee or intern from entering into an agreement with the principal employer or the contractor, as the case may be, for granting them rights or privileges in respect of any matter which are more favourable to them than those to which they may be entitled under this Act.

**22.** (1) No suit, prosecution or other legal proceedings shall lie against any licensing officer, inspecting officer or any other employee of the Government or any non-Governmental Organization for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

Protection of action taken under Act.

(2) No suit or other legal proceedings shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rule or notification or order made or issued thereunder.

**23.** (1) The appropriate Government may, subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the form and manner in which an application for functioning as an employment agency in the prescribed format may be made under section 6 (2);

(b) the form in which an application for the grant or renewal of a licence may be made under section 6 (3) and the particulars it may contain;

(c) the manner in which an investigation is to be made in respect of an application for the grant of a licence and the matters to be taken into account in granting or refusing or revoking a license;

(d) the form of a licence which may be granted or renewed under this Act, the conditions subject to which the licence may be granted or renewed, the fees payable for the grant or renewal of a licence and the security, if any, required to be furnished for the due performance of the conditions of the licence;

(e) the circumstances under which license may be varied or amended under section 10;

(f) the form and the manner in which appeals may be filed under section 15 and the procedure to be followed by appellate officers in disposing of the appeals;

(g) the powers that may be exercised by inspectors under section 17 and the local limits within which they shall exercise their powers under this Act;

(h) fees to be charged by the agencies under section 11; and

(i) any other matter which is required to be, or may be, prescribed under this Act.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(4) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

#### STATEMENT OF OBJECTS AND REASONS

The Reserve Bank of India's data on the employment elasticity of India from 1972 to 2012 proved that the country faces declining employment elasticity, *i.e.* the percentage changes in employment with every one percent point change in economic growth. According to the 'State of Working India 2018' report by Azim Premji University, every 10 percent increase in Gross Domestic Product (GDP) results in less than one percent increase in employment. While the unemployment rate in India increased to 3.52 percent in 2017 from 3.51 percent in 2016, it has doubled between July 2017 and April 2018, whereas the number of jobs in the country in the last financial year 2017-18 also fell to 406 million from 406.7 million in the previous year. According to 'The World Employment and Social Outlook — Trends 2018' released by the International Labour Organisation (ILO), the vulnerable employment rate in India remains high at 77%. It shows that of the 1.4 billion people estimated to be in vulnerable employment globally this year, 394 million or more than a quarter will be in India alone.

As a result the exploitation of workers has been increasing rapidly in the country. Poverty has forced people to migrate in search of work and workers with no other skills, turn to domestic work. This has also led to the trafficking and other forms of exploitation of millions of women and children of both the sexes. To meet growing demand for domestic help, there has been a spurt of thousands of placement agencies providing domestic workers in metro-towns of many States who remain outside the purview of any legislative control. The issue of exploitation of women and children domestic workers is frequent and regularly reported. With no rights and rules to fall back on, the domestic helps, mostly migrants from eastern States, have become contemporary slaves. It is also a known fact that many women and children are trafficked and exploited by the placement agencies, which operate openly without any form of restrictions and regulations, also escaping the tax net, thus necessitating the need for regulation and control. The domestic workers fall outside the Labour legislations thus domestic workers are unable to access their rights. That non recognition of domestic work as legitimate work combined with hidden nature of the worksite results in exploitative living and working conditions and sometimes forced labour and trafficking. Reports of abuse are many with workers facing among other things, extremely long working hours, absence of rest and leave periods, deprivation of food, delayed or non-payment of wages and physical and sexual abuse, recruitment related fees, deceptive recruitment practices and discriminative policies further jeopardizes domestic workers right to just and favorable working conditions.

Formal employment has become very competitive which forces young people to apply for various internships so as to gain experience. Unpaid internships have become a big, exploitative, self- perpetuating circle in India, where countless graduates enter into these internships every year to gather that all important marker for employment — experience. Since most companies insist on a certain amount of work experience before they hire for a particular role, the only avenue for many fresh graduates is to allow their labour to be exploited *via* 14 internship work over a specific period of time. The world of internships and interns in India is by no means tiny. It is mildly disturbing, then, that there are absolutely no laws that cover interns in India. Thus, there is a need for a new law which regulates the huge market of internships in the country. The vast reach of internet and increasing use of online and electronic services to seek job also creates a need to regulate such employment agencies which operate online.

Thus it is imperative that a law be enacted to provide for safety and security of domestic workers, interns and other employees and regulate the placement/employment agencies which cater to providing employment to any class/category of persons. The law needs to be broader and go beyond the scope of domestic workers as placement agencies not only cater to domestic but also other employment requirements.

Hence this Bill.

NEW DELHI;  
November 28, 2018.

RABINDRA KUMAR JENA

#### FINANCIAL MEMORANDUM

Clause 7 of the Bill provides for appointment of Licensing Officer. Clause 15 provides for nomination of an Appellate Officer. Clause 17 provides for appointment of Inspector. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees two hundred crore per annum will be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees three hundred crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 23 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative powers is of a normal character.

## BILL NO. 209 OF 2018

*A Bill further to amend the Code of Criminal Procedure, 1973.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

**1. (1)** This Act may be called the Code of Criminal Procedure (Amendment) Act, 2018.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2. In section 160 of the Code of Criminal Procedure, 1973,—**

Amendment of section 160.

(a) in sub-section (1), for the existing proviso, the following provisos shall be substituted, namely:—

“Provided that no male person or woman under the age of sixteen years or above the age of sixty-five years or a mentally or physically disabled person shall be required to attend at any place other than the place in which such male person or woman resides:

Provided further that while recording the statement, a relative or a friend or a social worker of the choice of the person whose statement is being recorded shall be allowed to remain present.”; and

(b) after sub-section (2), the following sub-sections shall be inserted, namely:—

“(3) Where under this chapter, the statement of a female is to be recorded either as first information of an offence or in the course of an investigation into an offence and she is a person against whom an offence under sections 375, 376, 376A, 376B, 376C, 376D, 377 or 509 of the Indian Penal Code, 1860 is alleged to have been committed or attempted, the statement shall be recorded by a female police officer and in case a female police officer is not available, by a female Government servant available in the vicinity and in case a female Government servant is also not available, by a female authorised by an organisation interested in the welfare of women or children.

(4) Where, under sub-section (3), no female police officer or female Government servant or a female authorised by an organisation interested in the welfare of women and children is available, the officer in charge of the police station shall, after recording the reasons in writing, proceed with the recording of the statement of such female victim in the presence of a relative of such victim.”.

#### STATEMENT OF OBJECTS AND REASONS

The Supreme Court in *Sakshi vs. Union of India* had recognized the inadequacies in the law relating to rape and had suggested that the legislature should bring about the required changes. The cases of sexual assault on a woman or a man are heinous crimes which require a lot of courage on the part of the victim to recite the incident and provide proper sequence of events. There have been many cases where recording of statements have been malicious and the victims have had to face the wrath of insensitive and improper questioning.

The Bill, therefore, seeks to amend section 160 of the Code of Criminal Procedure, 1973 in order to provide for provisions which make it mandatory for some relative to accompany the person whose statement is being recorded and to ensure that there is a presence of a woman while the statement is being recorded. Such steps will ensure that the victim does not have to face undue pressure and feels comfortable in providing the evidence.

Hence this Bill.

NEW DELHI;  
November 28, 2018.

RABINDRA KUMAR JENA

## BILL NO. 189 OF 2018

*A Bill further to amend the Indecent Representation of Women (Prohibition) Act, 1986.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Short title and commencement.

**1. (1)** This Act may be called the Indecent Representation of Women (Prohibition) Amendment Act, 2018.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In the Indecent Representation of Women (Prohibition) Act, 1986, after Chapter III, the following Chapter shall be inserted, namely:—

Insertion of new Chapter-III A.

### CHAPTER IIIA CENTRAL AUTHORITY

**7A. (1)** The Central Government shall, by notification in the Official Gazette, constitute a Central Authority to govern and regulate the manner in which women are represented in any document published, broadcasted or telecasted.

Constitution of a Central Authority.

(2) The Authority shall be headed by the member-Secretary, National Commission for Women and shall have representatives from Advertising Standards Council of India, Press Council of India, Ministry of Information and Broadcasting and one member experienced in working on women's issue to be nominated by the National Commission for Women in such manner as may be prescribed.

**7B. (1)** The Central Authority shall have the following powers and functions in respect of complaints,—

Power and functions of the Central Authority.

(a) to receive appeals or complaints or grievances regarding a programme or an advertisement broadcast or publication and adjudicate on the same in accordance with its procedure;

(b) to investigate or take *suo moto* notice and examine all matters relating to complaints under sections 292 to 294 of the Indian Penal Code, 1860 in so far it relates to and concerns women and the indecent representation of women as defined under section 2 or refer the case to the authorized bodies under section 9;

(c) to requisition tapes of any program or advertisement or publication as deemed necessary;

(d) to consider such complaints and facilitate their settlements by passing a reasoned decision in writing within sixty days of receipt of the said appeal or complaint;

(e) to function in consonance with the principles of natural justice and give its decisions based on the written statement filed by a complainant and after providing a reasonable opportunity of being heard;

(f) recommend to the Central Government, guidelines or norms or amendments of prescribed guidelines or norms, in the light of its experience in the discharge of its functions, as well as on such other issues as may be referred to it by the Central Government;

(g) lay-down the standards of quality of service to be provided by the service providers, advertisers and publishers and conduct the periodical survey of such service provided by the service providers so as to protect interest of the consumers of broadcasting service;

(h) coordinate with the respective State Governments for effective implementation of the provisions of the Act;

(i) monitor, administer and promote standards of advertising practices with a view to ensuring that advertising is not offensive to generally accepted norms and not indecent as defined in this Act;

(j) promote code for self regulation in advertising, media and publishing.

(2) For the purpose of performing its functions or holding any inquiry under this Act, the Committee shall have the same powers throughout India as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of persons and examining them on oath;

- (b) requiring the discovery and inspection of documents;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copies thereof from any court or office;
- (e) issuing commissions for the examination of witness or documents; and
- (f) any other matter which may be prescribed.

(3) Every inquiry held by the Central Authority shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code , 1860.

45 of 1860.

Penalty on  
advertiser.

**7C.** (1) If the Central Authority comes to a conclusion that the advertiser or the publisher is at default, it may:

- (a) direct it not to telecast or advertise or publish the objectionable programme or advertisement pending decision;
- (b) direct suitable edition to the advertisement or the programme, as the case may be,
- (c) direct that such an advertisement or the programme, as the case may be, shall not be broadcast;
- (d) direct to broadcast or publish an apology, disclaimer or warning in a suitable manner as may be prescribed by it; and
- (e) pass any other orders as it may deem fit.

(2) In cases where the Central Authority does not find any merit in the complaint, it may:

- (a) dismiss the complaint; and
- (b) dismiss the complaint with costs in cases where the Committee finds that the complaint was with malafides.

(3) The orders passed by the Central Authority shall be sent to the complainant and the advertiser, publisher or broadcaster.

Complaint by  
person and  
group of  
persons, etc.

**7D.** (1) Any person, group of persons, organization may make a complaint before the Central Authority about any representation in violation of section 3 and 4 of the Act after paying the requisite fee.

(2) The Complaint shall be in writing and indicate clearly the nature of publication and the manner in which it came to the notice of the complainant.".

#### STATEMENT OF OBJECTS AND REASONS

The Indecent Representation of Women (Prohibition) Act, 1986 was enacted to prohibit indecent representation of women through advertisements or in publications, writings, paintings, figures or in any other manner. However, the Act in its present form relates primarily to the print media. Since the enactment of the Act, technological revolution has resulted in development of new forms of communication, such as internet and satellite based communication, multi-media messaging and cable television, etc. It has, thus, become necessary to widen the scope of the Act so as to cover the above forms of media. Further, considering that the National Crimes Records Bureau recorded a total number of 845, 895 and 453 cases of violation of the provisions of the Act in the years 2009, 2010 and 2011, respectively, for the law to be more effective, stringent punishment which acts as deterrent also becomes essential. It is also felt that a Central Authority which regulates the manner in which women are represented in any document published, broadcasted or telecasted needs to be established with several powers vested in it.

It is, therefore, proposed to amend the Indecent Representation of Women (Prohibition) Act, 1986 to ensure more effective protection to women against their indecent representation. The Bill, *inter alia*, provides to—

- (a) establish a Central Authority to govern and regulate the manner in which women are represented in any document published, broadcasted or telecasted;
- (b) define powers and functions of the Central Authority; and
- (c) make a provision for taking and complaints filed action on passing appropriate orders to check indecent representation of women in advertisement.

The Bill seeks to achieve the above objectives.

NEW DELHI;  
November 28, 2018.

RABINDRA KUMAR JENA

**BILL No. 192 OF 2018**

*A Bill further to amend the Industrial Disputes Act, 1947.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Short title and commencement.

**1. (1)** This Act may be called the Industrial Disputes (Amendment) Act, 2018.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 7.

**2.** In section 7 of the Industrial Disputes Act, 1947, (hereinafter referred to as the principal Act), in sub-section (3), after clause (b), the following clause shall be inserted, namely:—

14 of 1947.

"(c) he is qualified for appointment as a District Judge".

**3.** In section 7A of the principle Act, in sub-section (3), after clause (*aa*), the following clause and proviso thereto shall be inserted, namely—

Amendment  
of Section 7A.

"(aaa) he is qualified for appointment as a Judge of a High Court:

Provided that the appointment to a Tribunal of any person not qualified under clause (*a*) or (*aa*) shall be made in consultation with the High Court of the State in which the Tribunal has or is intended to have its usual place of sitting.".

**4.** In section 7B of the principle Act, for sub-sections (2), (3) and (4), the following sub-sections shall be substituted, namely:—

Amendment  
of Section 7B.

"(2) A National Tribunal shall consist of one person only from each State that are affected by the dispute to be appointed by the Central Government.

(3) A person shall not be qualified for appointment as the presiding officer of a National Tribunal, unless he is, or has been, or is qualified for appointment as, a Judge of a High Court:

Provided that the appointment to a National Tribunal of any person who is not or has not been a Judge of a High Court shall be made in consultation with the High Courts of the States that are affected by the dispute.

(4) The Central Government may, if it is so thinks fit, appoint two persons from each State that are affected by the dispute, as assessors to advise the National Tribunal in the proceeding before it.".

#### STATEMENT OF OBJECTS AND REASONS

The original section 7 of the Industrial Disputes Act, 1947 while laying down qualifications for appointment as a member of the Industrial Tribunal included, *inter alia*, persons "qualified for appointment as a Judge of a High Court". Article 217 (1) of the Constitution provides *inter alia* that a person who has for at least ten years been an advocate of a High Court shall eligible for appointment as a Judge of a High Court. Thus, advocates with ten years' practice at the Bar were eligible for appointment as a member of the Industrial Tribunal or the Labour Appellate Tribunal under the then provisions. It is not discernible as to why the present provisions of sections 7, 7A and 7B of the Industrial Disputes Act, 1947 omitted the above category of persons from the qualifications for appointment of presiding officers of Labour Courts, Industrial Tribunals and National Industrial Tribunals.

"Industrial and labour disputes" is a subject covered under the Concurrent List in entry 22 of the Seventh Schedule to the Constitution. Some State Legislatures have amended the provisions of sections 7 and 7A of the Industrial Disputes Act, 1947 in their application to the respective States concerned. For example, the States of Goa, Gujarat and Maharashtra have amended section 7 expressly making advocates with seven years' practice at the Bar eligible for appointment as a presiding officer of a Labour Court, amongst others.

The Bill seeks to amend the above-mentioned sections to achieve the stated objectives.

Hence this Bill.

NEW DELHI;  
November 28, 2018.

RABINDRA KUMAR JENA

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 105 OF 2018

*A Bill to amend the Real Estate (Regulation and Development) Act, 2016*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Short title and commencement.

**1.** (1) This Act may be called the Real Estate (Regulation and Development) Amendment Act, 2018.

(2) It shall come into force on such date as the Central Government may, by notification, in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Amendment to section 7.

**2.** In section 7 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as the principal Act), in sub-section (1), after clause (d), the following clause shall be inserted, namely:—

“(e) the promoter practices discrimination on the basis of caste, religion, race or sex in the booking or sale or purchase of any plot, apartment or building, in any real estate project or part of it.”

16 of 2016.

**3.** In section 9 of the principal Act, for sub-section (7), the following sub-section shall be substituted, namely:—

Amendment  
to section 9.

"(7) Where any real estate agent who has been granted registration under this Act commits breach of any of the conditions thereof or any other terms and conditions specified under this Act or any rules or regulations made thereunder or is found guilty of practicing discrimination on the basis of caste, religion, race or sex in the facilitation of the booking or sale or purchase of any plot, apartment or building in any real estate project or part of it, or where the Authority is satisfied that such registration has been secured by the real estate agent through misrepresentation or fraud, the Authority may, without prejudice to any other provisions under this Act, revoke the registration or suspend the same for such period as it thinks fit:

Provided that no such revocation or suspension shall be made by the Authority unless an opportunity of being heard has been given to the real estate agent.".

**4.** In section 10 of the principal Act, after clause (d), the following clause shall be inserted, namely:—

Amendment  
to section 10.

"(da) not practice discrimination on the basis of caste, religion, race or sex, in the facilitation of the booking or sale or purchase of any plot, apartment or building, in any real estate project or part of it."

**5.** In section 22 of the principal Act, for the words "social service, public affairs", the words "social service, environment, public affairs" shall be substituted.

Amendment  
to section 22.

**6.** In section 32 of the principal Act,—

Amendment  
to section 32.

(a) for clause (e), the following clause shall be substituted, namely:—

"(e) measures to encourage construction of environmentally sustainable and affordable housing, with the aim of reducing adverse impact on land, water, air and forest resources during and post the construction of the real estate project, promoting standardisation and use of appropriate construction materials, fixtures, fittings and construction techniques;"; and

(b) after clause (i), the following clause shall be inserted, namely:—

(ia) measures to address the prevalence and reduce the use of black money, tax evasion and fraud in the real estate sector and promote digitization of monetary transactions;".

**7.** In section 41 of the principal Act, in sub-section (3), for the words "NITI Aayog", the words "Ministry of Environment, Forest and Climate Change, NITI Aayog" shall be substituted.

Amendment  
to section 41.

### STATEMENT OF OBJECTS AND REASONS

The Real Estate (Regulation and Development) Act, 2016 was a historic step to regulate India's problem-ridden real estate sector by ensuring efficiency, transparency and the protection of consumer interests. However, certain aspects had remained unaddressed.

There is need to insert certain changes in several sections of the parent Act with a view to ensuring the prohibition of discrimination on the basis of caste, religion, race or sex in the booking or sale or purchase of any plot, apartment or building, in any real estate project or part of it by a promoter or a real estate agent and including the promotion and encouragement of environmental sustainability while implementing any project as a goal within the Act.

The Bill, therefore, seeks to amend the Real Estate (Regulation and Development) Act, 2016 with a view to include—

- (a) technical expertise in the domain of environmental sustainability within the Real Estate Regulatory Authority;
- (b) representatives from the Ministry of Environment, Forests and Climate Change within the Central Advisory Council; and
- (c) measures to address the prevalence and use of black money in the real estate sector by empowering the Real Estate Regulatory Authority to take action against such malpractices.

Hence this Bill.

NEW DELHI;  
*January 5, 2018.*

KIRIT PREMJIBHAI SOLANKI

## BILL NO. 111 OF 2018

*A Bill to amend the National Food Security Act, 2013.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

**1. (1)** This Act may be called the National Food Security (Amendment) Act, 2018.

Short title  
and  
commencement.

(2) It shall come into force on such date as the Central Government, may by notification in the Official Gazette, appoint.

20 of 2013.

**2.** In section 2 of the National Food Security Act, 2013, (hereinafter referred to as the principal Act),—

Amendment  
of section 2.

(a) after clause (7), the following clause shall be inserted, namely:—

"(7a) "high risk districts" means those vulnerable districts identified by the District Nutrition Monitoring Committee and the State Food Commission as

well as corroborated by the National Nutrition Monitoring and Surveillance System.".

(b) after clause (8), the following clause shall be inserted, namely:—

"(8A) "malnutrition" means,—

(i) in the case of adult with a Body Mass Index (BMI) of below 18.5 and suffering from chronic energy deficiency and under nutrition; or

(ii) in the case of children who have a height-for-age z-score that is at least 2 standard deviation (SD) below the median for the World Health Organisation Child Growth Standards and/or have a weight-for-height z-score that is at least 2 SD below the median for the WHO Child Growth Standards and/or have a weight-for-age z-score that is at least 2 SD below the median for the WHO Child Growth Standards;"; and

(c) after clause (20), the following clause shall be inserted, namely:—

"(20A) "social nutrition audit" means the surveys conducted by the District Nutrition Monitoring Committee to study the prevalence of under nutrition in a district, specifically amongst women and children, in order to suggest qualitative and quantitative remedies and interventions;..".

Insertion of  
new Chapter  
IVA and IVB.

**3.** After Chapter IV of the principal Act, the following Chapters and sections thereunder shall be inserted, namely:—

#### "CHAPTER IVA

#### NATIONAL NUTRITION MONITORING AND SURVEILLANCE SYSTEM

Creation of a  
National  
Nutrition  
Monitoring  
and  
Surveillance  
System.

**11A.** (1) The Central Government shall, with the assistance of the State Government concerned create a district-level geographic information and digital tracking system to be known as the National Nutrition Monitoring and Surveillance System (hereinafter referred to as the System) in respect of every State based on the information collected and supplied by the State Governments on eligible beneficiaries under sections 9 and 10 of the Act to monitor nutrition level in the country.

(2) The System shall use indicators and tools such as dashboards and score cards to map and track associated indicators and factors of malnutrition including but are not limited to, the following:—

- (a) socio-economic deprivation;
- (b) agrarian distress;
- (c) seasonal migration;
- (d) disruptions in access to services;
- (e) lack of access to social protection measures;
- (f) disease outbreaks;
- (g) endemic disease areas; and
- (h) natural disasters.

Functions of  
the System.

**11B.** The System shall—

- (a) undertake real-time digital tracking of the nutrition levels of the population;
- (b) identify districts, blocks and States that are failing to meet the nutritional standards and are at high risk;
- (c) formulate an early warning system to identify nutritional vulnerabilities and ensure timely corrective action; and

(d) create dissemination of the System on Government websites for transparency and accountability.

#### CHAPTER IVB

##### DISTRICT NUTRITION MONITORING COMMITTEE

**11C. (1)** Every State Government shall, by notification, in the Official Gazette, establish a District Nutrition Monitoring Committee in each district of the State for district-level monitoring of the implementation of the provisions of this Act.

Establishment of a District Nutrition Monitoring Committee.

(2) The District Nutrition Monitoring Committee shall consist of—

(a) Chairperson;

(b) the District Grievance Redressal Officer, as appointed under section 15;

(c) one member from the civil services of the Union or the State having knowledge and experience in matters relating to food security, policy making and administration in the field of agriculture, civil supplies, nutrition, health or any allied field, as appointed by the State Food Commission under section 16;

(d) one eminent and/or academic expert with a proven record of work relating to the improvement of food and nutrition rights of the poor; and

(e) five members from the local authorities including municipal corporations, nagar palikas and panchayati raj institutions:

to be appointed by the State Government in such manner as may be prescribed.

(3) The Chairperson shall be elected from amongst the persons appointed under clause (c) to (e) of sub-section (2).

(4) The salary and allowances payable, method of appointment and other terms and conditions of the Chairperson and other Members of the District Nutrition Monitoring Committee time, place and procedure of meetings of the District Nutrition Monitoring Committee (including the quorum at such meetings) and its powers, shall be such as may be prescribed.

**11D.** The District Nutrition Monitoring Committee shall,—

Functions of the District Nutrition Monitoring Committee.

(a) monitor and evaluate the implementation of the Act in the district and provide a monthly report and feedback to the State Food Commission in such manner as may be prescribed;

(b) conduct annual social nutrition audit at a district-level to assess the nutritional standards and vulnerabilities of the district population; and

(c) provide nutrition counselling to pregnant and lactating mothers, including fixed Monthly Health and Nutrition Days, as a part of a behavioural change and communication strategy.”.

**4.** In section 16 of the principal Act, in sub-section (6), after clause (f), the following clauses shall be inserted, namely:—

Functions of the State Food Commission.

“(g) appoint one member to the District Nutrition Monitoring Committee, from the civil services of the Union or the State having knowledge and experience in matters relating to food security, policy making and administration in the field of agriculture, civil supplies, nutrition, health or any allied field; and

(h) process the monthly reports submitted by the District Nutrition Monitoring Committees, identify the 'high risk' districts, if any, and provide the Central Government with the details of these 'high risk' districts, if any, on a bi-annual basis.”.

Amendment  
of section 22.

**5.** In section 22 of the principal Act, in sub-section (4), after clause (e), the following clauses shall be inserted, namely:—

“(f) provide additional financial and infrastructural support to high risk districts as identified by the concerned District Nutrition Monitoring Committee and the State Food Commission and corroborated by the National Nutrition Monitoring and Surveillance System; and

(g) provide non-financial incentives, as decided upon by the Central Government, to high-performing State Governments, on the basis of the digital and geographic information based on National Nutrition Monitoring and Surveillance System.”.

#### STATEMENT OF OBJECTS AND REASONS

With the release of the NITI Aayog's National Nutrition Strategy 2017, the Central Government has introduced a renewed focus on the issue of malnutrition in India. While the most recent National Family Health Survey — shows an overall decline in the levels of under nutrition in women and children, the pace of decline has been slow. According to the United Nations Children's Fund (UNICEF), India has the 10th highest number of underweight children in the world.

As reiterated in the National Nutrition Strategy and the National Health Policy 2017, addressing the problems of malnutrition and under nutrition requires a comprehensive and concerted effort. With the aim of reducing all forms of malnutrition by the year 2030, a decentralized approach is required that can ensure the provision of nutrition to women and children, especially to protect maternal health. An identification of the most vulnerable sections and districts needs to be carried out in order to create a plan that can target those who need it the most.

The National Food Security Act, 2013 has been enacted to provide for food and nutritional security in human life cycle approach, by ensuring access to adequate quantity of quality food at affordable prices to people to live a life with dignity. However, with increased resources at the State and local self-governments level, a coordinated action plan across different branches of the Government, which includes health services, food, drinking water, sanitation facilities and regular income for livelihoods is required.

The Bill therefore, seeks to amend the National Food Security Act, 2013 with a view to—

- (a) define “malnutrition” in adults and children;
- (b) create a National Nutritional Monetary and Surveillance System; and
- (c) establish a District Nutrition Monetary Committee in each district.

However, increased resources at the State and local self-governments level, a coordinated action plan across different branches of the Government, which includes health services, food, drinking water, sanitation facilities and regular income for livelihoods, is required.

Hence this Bill.

NEW DELHI;  
January 5, 2018.

KIRIT PREMJIBHAI SOLANKI

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of National Nutrition Monitoring and Surveillance System at district level in every State. It also provides for setting up of a District Nutrition Monetary Committee in each district. Clause 5 provides that the Central Government to provide additional financial and infrastructural support to 'high risk' district as identified by the District Nutrition Monitoring Committee and the State Food Commission and corroborated by the National Nutrition Monitoring and Surveillance System.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India in implementing the provisions of the Bill. It is likely to involve an annual recurring expenditure of about rupees five hundred crore from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees five hundred crore is likely to be involved.

**BILL NO. 106 OF 2018**

*A Bill to amend the Indian Easements Act, 1882.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

**1. (1)** This Act may be called the Indian Easements (Amendment) Act, 2018.

Short title and commencement.

(2) It shall come into force on such date as the Central Government, may by notification in the Official Gazette, appoint.

5 of 1882.

**2.** In section 7 of the Indian Easements Act, 1882 (hereinafter referred to as the principal Act), in the Illustrations—

Amendment of section 7.

(a) illustration (g) shall be omitted; and

(b) for illustration (j), the following illustrations shall be substituted, namely:—

"(j) The right of every owner of land abutting on a natural stream, lake or pond to use and consume its water for drinking, household purposes and watering his cattle and sheep; and the right of every such owner to use and consume the water for irrigating such land:

Provided that the use of water from such natural stream, lake or pond as well as any existing aquifer, well or mechanized tube-well shall be regulated by the concerned Gram Sabha or Municipality, as the case may be, under whose territorial jurisdiction it falls to ensure the equitable distribution of water to all and prevent the depletion of the groundwater table or over-extraction of groundwater."

*Explanation.*— For the purposes of this illustration,—

(a) "aquifer" refers to the rocks in which groundwater is stored;

(b) "Gram Sabha" shall have the same meaning as assigned to it under article 243 of the Constitution;

(c) "Municipality" shall have the same meaning as assigned to it under article 243P of the Constitution; and

(d) "natural stream" means a stream, whether permanent or intermittent, tidal or tideless, on the surface of land or underground, which flows by the operation of nature only and in a natural and known course.

(ja) The right to construct new wells or tube wells shall be regulated by the concerned Gram Sabha or Municipality, as the case may be.

**3.** After section 7 of the principal Act, the following sections shall be inserted, namely:—

“7A. The State Government concerned may, by notification, make rules consistent with the existing laws on the use and regulation of groundwater to ensure equitable distribution of groundwater and prevent the depletion of the water table.

7B. The Gram Sabha or Municipality, as the case may be, may formulate the regulations to ensure equitable distribution of water and prevent depletion of the water table under their territorial jurisdiction.”.

Insertion of  
new sections  
7A and 7B.

Power of State  
Government  
to make rules.

Power of  
Gram Sabha or  
Municipality  
to make  
regulations.

#### STATEMENT OF OBJECTS AND REASONS

The Indian Easements Act, 1882 is a pre-Independence legislation that is based on the principle that ownership of groundwater flows from the ownership of land. Section 7 (g) of the Act provides every landowner with the right to collect and dispose, within his own limits, all water under the land and on the surface. This private ownership of groundwater has led to its unregulated use, which has resulted in over extraction of water and a depletion of the water table. It has been found that nearly sixty per cent. of all districts in India face issues related to either the availability of groundwater, or the quality of groundwater, or both.

Furthermore, the legal consequences of this pre-Independence legislation are not just that the landowner can dig wells and extract water at his or discretion, but also the fact that this legal framework inadvertently excludes more than thirty per cent. of the population that do not own land and hence, are excluded from groundwater rights. In this context, it must be noted that the Supreme Court and various High Courts have evolved a fundamental right to water as a part of 'Right to Life' under article 21 of the Constitution.

Since independence, several policy postures of the Central Government have addressed this issue. Both the National Water Policy, 2012 as well as the Planning Commission Report on Ground Water Management and Ownership, 2007 came out in support of a 'public trust doctrine' for groundwater management. This means that the Government should be the ultimate guardian of all natural resources, including groundwater, to prevent over-extraction and ensure equitable distribution.

Since, 'water' falls under the State List of the Seventh Schedule to the Constitution, it is the prerogative of the State Legislative Assemblies to amend or enact laws pertaining to ground water management and regulation that are in line with the public trust doctrine, as set out under this Act.

Hence this Bill.

NEW DELHI;  
*January 5, 2018.*

KIRIT PREMJIBHAI SOLANKI

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

Clause 3 of the Bill empowers the State Governments to make rules to ensure equitable distribution of groundwater. It also empowers the Gram Sabha and the Municipalities to make regulations regarding the management of groundwater. As the rules and regulations will relate to matters of detail only, the delegation of legislative power is of normal nature.

**BILL No. 204 OF 2018**

*A Bill to confer right to play sports on every child as enshrined in the United Nations Convention on the Rights of the Child and for matters connected therewith.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

**1. (1)** This Act may be called the Right to Play Sports Act, 2018.

(2) It extends to the Union territories only.

Short title,  
extent and  
commencement.

(3) It shall come into force on such date as the Central Government, may, by notification in the Official Gazette, appoint.

Definitions.

**2. In this Act, unless the context otherwise requires,—**

(a) "child" means every person who has not attained the age of eighteen years;

(b) "local authority" means the body which is vested with general executive powers under any law for the time being in force; State or district level or local level or a Municipal Corporation a Municipal Council, an improvement Board, a Sanitary Board or a Notified Area Committee or a Town Board or a Resident Welfare Association constituted under any law for the time being in force and such other authority as may be specified by the Central Government;

(c) "open spaces" means parks, green spaces, gardens, road side plantings, natural landscapes, Government owned spaces, Government owned vacant or unoccupied land;

(d) "park" means a piece of land on which there are no buildings or of which not more than one-twentieth part is covered with buildings, and the whole or remainder of which is laid out as a garden with trees, plants or flower beds or as a lawn or as a meadow and maintained as a place for the resort of the public for recreation, air or light;

(e) "play" means any freely chosen recreational activity with or without pre-defined rules;

(f) "play field" means a piece of land adopted for the purposes of play, game or sport and used by schools or colleges or clubs or general public and includes land set apart as a play-field by a local authority;

(g) "prescribed" means prescribed by rules made under this Act; and

(h) "schools" means any public, private, corporation school under the jurisdiction of local authority.

Right of child  
to play sports.

**3. Every child shall have the right to,—**

(a) participate in sports;

(b) participate at a level commensurate with each child's maturity and ability;

(c) play freely in local areas, parks, green spaces, sports clubs and community centers and Government owned spaces;

(d) share in the leadership and decision making of their sport participation;

(e) participate in safe and healthy environments;

(f) proper preparation for in sports;

(g) an equal opportunity of strive for success;

(h) be treated with dignity;

(i) have fun in sports;

(j) be coached by individuals who are well trained in sport-specific safety and to be monitored by athletic healthcare team members; and

(k) participate in sporting activities in safe environment both indoor and outdoor facilities.

Central  
Government  
to ensure right  
of child to  
play sports.

**4. The Central Government shall,—**

(a) ensure that the institutions, services and facilities necessary for the care and protection of children and young adults shall conform with the standards established by the competent authority in the area of playing sports activities and other recreational activities;

- (b) promote and develop sports at the regional level as part of the decentralization process;
- (c) provide adequate financial, material and administrative support to regional sports organizations; and
- (d) encourage the development of indigenous and traditional sports such as wrestling countrywide.

**5. It shall be the responsibility of every school to,—**

- (a) make sports as an intrinsic part of the Fundamental Right to Education;
- (b) undertake "Play-led Learning Approach" to deliver early years learning in schools from a play perspective;
- (c) ensure children are provided with an interesting play environment for breaks during the school day;
- (d) provide play opportunities during out of school times, including before school, evenings, weekends and holiday periods, including open access to school grounds and use of premises for activities;
- (e) provide morning, lunchtime and afternoon play breaks;
- (f) include sports compulsorily in educational curriculum from elementary to higher education;
- (g) provide for well trained physical education and sports teachers;
- (h) provide adequate sporting facilities including sports equipment; and
- (i) make available security personnel for the supply of child while playing sports.

Right to play  
in schools.

Responsibilities  
of local  
authority.

**6. (1) The local authority shall assess the sufficiency of play opportunities under its jurisdiction for children in accordance with provisions of this Act.**

(2) In performing its duties under sub-section (1), the local authority shall take into consideration:—

- (a) the needs of children who are disabled persons (within the meaning of Rights of Persons with Disabilities Act, 2016);
- (b) needs of children of different ages;
- (c) steps to maintain opportunities for children to play within its jurisdiction;
- (d) safe environment to play and introduce 20 mph limits wherever appropriate; and
- (e) consultation with the children their parents and the local community in the area for ensuring sports activities.

*Explanation.—For the purpose of this section,—*

- (a) "play" includes any recreational activity; and

(b) "sufficient" in relation to play opportunities, means sufficient having regard to quantity and quality;

**7. (1) The local authority shall develop an action plan and a sports agenda enumerating associated costs, targets, priorities and milestones to achieve play sufficiency under its jurisdiction.**

(2) While formulating an action plan under sub-section (1), the local authority shall take into account:—

Action Plan.

- (a) national environment and geography of the area;
- (b) built environment and characteristics of the communities;
- (c) demography of the area;
- (d) existing play opportunities and provision; and
- (e) existing organizational structures.

Accessibility  
to open  
space.

**8.** (1) Notwithstanding anything contained in other law, the Central Government shall make rules and regulations governing open public or private spaces to play and practice other recreational activities for children free of charge ensuring equitable access.

(2) All open spaces shall be made accessible for children to play.

(3) Open play fields and playgrounds inside the premises of private sports clubs and sports complexes shall be made accessible and available free of charge for two hours every day.

(4) No child shall be evicted from an open space where he is indulging in playful activity.

Penalty

**9.** If any private entity fails to abide by the provisions of section 8, such entry shall be liable to a fine which may extend upto rupees twenty-five thousand.

National Play  
Day.

**10.** The Central Government shall ensure that a National Play Day is celebrated to create public awareness about the benefits of playing sports to promote activities through State, district, club level affiliates and schools to designate the whole day for playful activities.

Power to  
remove  
difficulty.

**11.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

Act to have  
overriding  
effect.

**12.** The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to  
make rules.

**13. (1)** The Central Government may, by notification published in the Official Gazette make rules to carry out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

#### STATEMENT OF OBJECTS AND REASONS

Article 24 of the United Nations Declaration on Human Rights confer the right to rest and leisure and article 31 of the Convention on Rights of Child recognizes the right of the child to rest and leisure, to engage in play and recreational activities. Right to play sports is an inseparable and intrinsic part of the fundamental right to education.

The need is to realize the provision of quality spaces and time for play to children and young adults for their physical, social and mental development. The need is also to make the Government responsible to make available a conducive environment where children can grow up in conditions where they can exercise their right to play.

With the rise of urbanization, mechanization and dwindling of public spaces, accessibility to public outer spaces has been made a priority through which children from different social backgrounds have open, free and equitable access to the playground. To bring inclusivity of all children, no child shall remain excluded because of issues such as different levels of ability, language, caste or gender. Playing sports may reduce inequalities among children living in families with different background.

One should be able to indulge in play. It is also required to make physical education and sports accessible and guaranteed within the educational system and in holistically making play part of the social life. Sports may not necessarily be an end in itself but a means by which other end such as gender equality, racial equality, health promotion, education development and social cohesion can be achieved and may eventually help in realization of human rights and development goals. Right to Play Sports will elevate the status of physical education, games and sports to a dignified height.

Hence this Bill.

NEW DELHI;  
*November 20, 2018.*

KIRIT PREMJIBHAI SOLANKI

#### FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the Central Government to ensure availability of adequate financial, material and administrative support for ensuring right of every child to play sports. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees five hundred crore will be involved per annum from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Act. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL No. 194 OF 2018

*A Bill further to amend the Prevention of Insults to National Honour Act, 1971.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

**1. (1)** This Act may be called the Prevention of Insults to National Honour (Amendment) Act, 2018.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

69 of 1971.

**2.** In the Prevention of Insults to National Honour Act, 1971, for section 3, the following section shall be substituted, namely:—

Substitution of new section for section 3.

“3. Whoever intentionally prevents the singing of the Indian National Anthem or causes disturbance to any assembly engaged in such singing or intentionally causes disrespect to the National Anthem, shall be punished with imprisonment for a term, which may extend to three years, or with fine, or with both.

Prevention of singing of National Anthem.

*Explanation.*—For the purposes of this section, the word “disrespect” shall include any person refusing to stand for or recite the National Anthem except when such person is suffering from any physical disability in that regard.”

#### STATEMENT OF OBJECTS AND REASONS

National honour is embodied in various symbolic elements like National Flag, National Anthem and national symbols. Respecting them is a fundamental duty of every citizen.

National Anthem of any nation has a unique significance of its own. In the case of India, our National Anthem is not only the symbol of our national honour but it is also a memory and a tribute for our freedom struggle. Written by Shri Rabindranath Tagore, it contains flavor of unity and integrity of our nation. It keeps up reminding of our rich cultural, natural and political diversity. Thus any kind of disrespect or insult to our National Anthem is an insult to the integrity and unity of our country.

The Prevention of insults to National Honour (Amendment) Bill, 2018 is an effort to ensure full respect and honour for our National Anthem. The Bill seeks from all persons to stand and recite the National Anthem whenever it is played or sung in an assembly of people. The aim is not only to provide respect and honour for our National Anthem but also to inculcate among our citizens a feeling of belongingness for our National Anthem.

Hence this Bill.

NEW DELHI;  
27 November, 2018.

PARVESH SAHIB SINGH

## BILL No. 258 OF 2018

*A Bill to provide for compulsory teaching of Knowledge Traditions and Practices of India as a co-curricular subject from classes VII to X in school education in India in order to enable students to know and understand India's glorious culture and traditions and foster, strengthen and maintain Indian Culture and its civilizational strength and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-ninth year of the Republic of India as follows:—

**1. (1)** This Act may be called the Compulsory Teaching of Knowledge Traditions and Practices of India in Educational Institutions Act, 2018.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

**2. In this Act, unless the context otherwise requires,—**

- (a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;
- (b) "Committee" means the Committee on Cultural Education constituted under section 4;
- (c) "conventional methods" means regular mode of teaching with help of textbook and written examination;
- (d) "educational institution" means an institution imparting primary, middle, secondary or higher secondary level education to children by whatever name such institution is called, but does not include a minority educational institution;
- (e) "innovative methods" mean audio visuals, story-telling, poetry, skit and drama, debates, discussions, field visits, project work and similar kind of activities;
- (f) "internal assessment" means assessment and examination of student's progress by internal staff of the school;
- (g) "Knowledge Traditions and Practices of India" means the subject of Knowledge Traditions and Practices of India taught as an optional subject in Classes XI and XII in schools under the Central Board of Secondary Education;
- (h) "practical assessment" means assessing through project works, assignments, group discussions or any kind of relevant method other than written examination; and
- (i) "prescribed" means prescribed by rules made under this Act.

Compulsory  
teaching of  
Knowledge  
Traditions and  
Practices of  
India.

**3. (1) From such date as the Central Government may, by notification in the Official Gazette, specify, the Knowledge Traditions and Practices of India shall be taught from Classes VII to X as a part of their curriculum in all educational institutions affiliated to the Central Board of Secondary Education.**

(2) The curriculum and examination of compulsory teaching of Knowledge Traditions and Practices of India shall differ from conventional methods of teaching followed for other subjects.

(3) The compulsory teaching of Knowledge Traditions and Practices of India shall be taught completely in a student friendly and with innovative and practical methods.

(4) There shall be no written examination for the Knowledge Traditions and Practices of India and the progress of a student shall be measured through practical assessment modes only.

(5) For Secondary School Certificate Examination (SSC) marks for the Knowledge Traditions and Practices of India shall be awarded through internal assessment.

(6) For Classes XI and XII, the subject of Knowledge Traditions and Practices of India shall continue to be offered as an optional subject for students of all streams in educational institution affiliated with Central Board of Secondary Education in India.

Constitution  
of Committee  
on Cultural  
Education.

**4. (1) The Central Government shall, by notification in the Official Gazette, constitute a Committee to be known as the Committee on Cultural Education for the purpose of reviewing and re-framing a larger curriculum for the existing subject Knowledge Traditions and Practices of India.**

(2) The Committee shall review and include new activities in the syllabus of the subject based on its existing theme.

(3) The Committee shall function under the purview of Ministry of Human Resource Development, Government of India.

(4) The Committee shall consist of—

(a) a Chairperson to be appointed by the Central Government in such manner as may be prescribed;

(b) Secretary, Union Ministry of Human Resource Development—member-Secretary;

(c) Secretary, Union Ministry of Culture—member, *ex-officio*;

(d) one member representing each of the following institutions, namely:—

(i) National Council of Educational Research and Training (NCERT);

(ii) Central Board of Secondary Education (CBSE);

(iii) National Council for Teacher Education (NCTE);

(iv) Archaeological Survey of India;

(v) Indian Council for Cultural Relations;

(vi) Centre for Cultural Resources and Training;

(vii) Indira Gandhi National Centre for Arts;

(viii) Indian National Trust for Arts and Cultural Heritage;

(ix) National Mission for Manuscripts; and

(x) Sahitya Akademi;

(e) three eminent scholars having extensive teaching or research experience in the fields such as Ancient History, Indian Philosophy and Subaltern Studies to be appointed by the Central Government in such manner as may be prescribed;

(f) four renowned artists having experience of not less than twenty years in the field of performing arts such as Indian Dance, Indian Music, Indian Theatre and Indian Painting to be appointed by the Central Government in such manner as may be prescribed; and

(g) one eminent person having knowledge and practical experience in the field of psychology, pedagogy and teaching aptitude to be appointed by the Central Government in such manner as may be prescribed.

(5) The Committee shall submit its report to the Union Ministry of Human Resource Development, Government of India within one year from the date of its constitution.

(6) The Committee shall meet at least for five times in a year.

(7) The Committee shall meet at such time and places and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed.

**5.** Notwithstanding anything contained in this Act, the provisions of this Act shall apply to minority institutions only if the management of such institutions convey to the appropriate Government their willingness to include the teaching of environmental education text books in their school curriculum.

Application of  
Act on  
minority  
educational  
institutions in  
certain  
situations.

**6.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the Committee on Cultural Education for carrying out the purposes of this Act.

Central  
Government  
to provide  
fund.

**7.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Overriding  
effect of the  
Act.

Power to  
remove  
difficulty.

**8.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

Power to  
make rules.

**9. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

### STATEMENT OF OBJECTS AND REASONS

Indian culture and traditions have been the core intellectual strength of India since ages. The diversity and depth of our culture and knowledge traditions is established to be the richest in the world. When Indian Culture has influenced and gained attention of scholars from across the world since ages, it is important for own children to know and understand how magnificent and glorious our knowledge traditions and cultural practices have been since ancient times. Although a glimpse of that is provided in the subjects of social sciences, it is not sufficient for them to understand such a humongous culture and knowledge system. There needs to be a stand-alone study involving historical, sociological, anthropological, psychological, philosophical and analytical approaches for understanding our culture, traditions and knowledge systems.

The Central Board of Secondary Education had introduced an elective subject "Knowledge Traditions and Practices of India" for Classes XI and XII in the year 2002. The subject received an overwhelming response from educationist and teaching community all over the country. The subject aims for the student to understand intellectual achievements of Indian culture and knowledge traditions in ancient India. They can be found in several fields of study ranging from scriptural, philosophical, scientific, technical, artistic and religious sources. It also aims to highlight the multiplicity of thoughts, languages, lifestyles and scientific, artistic and philosophical perceptions in India. The rich classical literary sources of India are repositories of much of ancient wisdom and large stock of collective folklore imagination.

The need is to extend the subject "Knowledge Traditions and Practices of India" for Classes VII to X which is currently offered as an optional subject for Classes XI and XII by Central Board of Secondary Education. This subject shall be taught in classes VII to X in schools affiliated to Central Board of Secondary Education in India. The curriculum and teaching methods for this subject friendly, innovative and practical methods such as audio visuals, story-telling, poetry, skit and drama, debates, discussions, field visits, project works or any kind of such activities. There will be no written examination for this subject and the progress of a student will be measured through Practical Assessment methods. For Secondary School Certificate Examination (SSC), marks shall be awarded through Internal Assessment. For Classes XI and XII, this subject shall continue to be offered as an optional subject for students of all streams in schools affiliated to Central Board of Secondary Education in India.

The need is also to constitute a high level committee for the purpose of reviewing and reframing the curriculum for the existing subject "Knowledge Traditions and Practices". The Committee shall include members from wide backgrounds having relevant knowledge and experience with regard to Indian Culture and Knowledge Traditions. The syllabus of the subject shall be enlarged based on the existing theme of the subject.

Efforts are required to make the subject fun-loving, interesting and yet productive. It intends to shape the curriculum for this subject in such a manner that it does not add any kind of burden on students. It seeks to empower students by giving them realization of how great, diverse and magnanimous our culture is. Even in practical terms the multi-disciplinary nature of this subject offers a bed-rock foundation for students to excel in any field that they choose for their professional careers. Moreover, it exposes students to India's such a rich and diverse field of performing arts, handicrafts, temperature and much more which can further widen their career options.

The comprehensive approach of the proposed Bill is to make students learn, know and understand our Culture and knowledge traditions so that we can foster, strengthen and maintain the richness and pride of Indian Culture. This will foster cultural affinity among our citizens and also help India remain a strong cultural force in the world.

Hence this Bill.

NEW DELHI;  
*November 27, 2018.*

PARVESH SAHIB SINGH

#### FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for constitution of Committee on Cultural Education for the purpose of reviewing and re-framing a larger curriculum for the existing subject Knowledge Traditions and Practices of India. It also provides for appointment of a Chairperson, eminent scholars, renowned artists and eminent persons in the Committee. Clause 6 provides for payment of adequate funds to the States for carrying out the purpose of the Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees one hundred crore will be involved per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 197 OF 2018

*A Bill further to amend the Emblems and Names (Prevention of Improper Use) Act, 1950.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Short title and commencement.

**1. (1)** This Act may be called the Emblems and Names (Prevention of Improper Use) (Amendment) Act, 2018.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of the Schedule.

**2.** In the Emblems and Names (Prevention of Improper Use) Act, 1950, in the Schedule, after entry 27, the following entry shall be inserted, namely:—

“28. The names and emblems that may have high religious regard and whose improper use may hurt religious sensibility of any class, section or community of India.”.

#### STATEMENT OF OBJECTS AND REASONS

India is the second most populous nation in the world. As a result, we are home to many business firms, trading companies, corporate houses and their incalculable products and brand names. People generally have their product and brand names based on personal preference, family lineages, marketability, consumer attraction and several such considerations. However, Government has to ensure that naming of products does not cause copyright infringement of either Government symbols or other publicly renowned names and emblems.

The Emblems and Names (Prevention of Improper Use) Act, 1950 was enacted to make sure that no such imitations or improper use happens by private companies while naming professional or commercial products. The Act prohibits private parties from using title, trademarks or emblems which are mentioned in the exhaustive list provided in the Schedule.

However, there is a need that there should also be provisions which exercises some kind of regulation on the use of names and emblems for some commercial products which can potentially hurt religious sensibility of any class, group or community. Certain names and emblems may have a very high religious sanctity attached with them. Use of such words for certain products and items which may cause disregard to any religion or faith should be prevented for the overall benefit of the society. The Emblems and Names (Prevention of Improper Use) Amendment Bill, 2018 seeks to bring in a provision in the parent Act whereby any kind of names or emblems which may have high religious regard shall be censored from being used for certain kind of products and items which may cause disregard to the sentiments of faith of any particular religion, class or community.

Hence this Bill.

NEW DELHI;  
*November 27, 2016.*

PARVESH SAHIB SINGH

## BILL No. 215 OF 2018

*A Bill to prohibit non-vegetarian food from being served at official meetings and functions of Government of India for the purpose of animal conservation and impact on climate change.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Short title,  
commencement  
and application.

**1. (1)** This Act may be called the Official Government Meetings and Functions (Prohibition on Serving Non-vegetarian Food) Act, 2018.

**(2)** It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

**(3)** It shall apply to the Ministries and Departments of the Central Government and all offices, organisations and establishments under the control of the Central Government.

**2.** The serving of non-vegetarian food in any official meeting, function or event organised by or on behalf of the Central Government is hereby banned.

Ban on serving of non-vegetarian food in any official Government meetings.

**3.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of any difficulty:

Provided that no such orders shall be made after the expiry of the period of three years from the date of commencement of this Act.

**4. (I)** The Central Government may, by notification in Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament or, as the case may be, each House of the State Legislature, while it is in session, for a total period of thirty days which may be comprised in one session or two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, Parliament or, as the case may be, the State Legislature agrees in making any modification in the rule or agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

### STATEMENT OF OBJECTS AND REASONS

Consumption of non-vegetarian foods not only causes rampant abuse and killings of animals but also has devastating environmental impacts. For the purpose of human consumption, billions of living animals are made to go through gruesome treatment involving genetic manipulations, drug regimens, mutilations and much more every year. This goes vehemently against the laws and ethics of animal protection and conservation.

Apart from this, there are scientific studies and findings regarding the negative impacts that it has on environment and climate change. A United Nations Environment Programme's (UNEP) report by International Panel of Sustainable Report Management has said that lesser.

Consumption of animal products is necessary to save the world from worst impacts of climate change. Another report by United Nations Food and Agriculture Organizations has highlighted how livestock sector puts tremendous pressure on water resources, land use and greenhouse gas emissions. To have an idea, it generates eighteen per cent more carbon dioxide than transport sector. It emits sixty-five per cent of the human related nitrous oxide which has 296 times the Global Warming Potential (GWP) than carbon dioxide. It accounts for thirty seven per cent of all human induced Methane which is as twenty-three times as warming as carbon dioxide. Regarding land use, livestock covers thirty per cent of the entire land surface. Livestock sector is hugely responsible for water pollution and thus leading to eutrophication and the degeneration of coral reefs.

The need is to put forth an initiative whereby the Government can make an effort towards environment friendly practice. Citing the devastating impacts that meat industry has on environment and climate change, it is of urgent importance at least for the Government to take necessary steps and make its own contribution. The Bill, therefore, seeks for the Government to abandon non-vegetarian food in all the official meetings, functions and events organized by Government of India. This shall be an effort from the side of the Government to claim a positive stake in environment conservation and prevention of climate change.

Hence this Bill.

NEW DELHI;  
*November 27, 2016*

PRAVESH SAHIB SINGH

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 252 OF 2013

*A Bill to amend the Cantonments Act, 2006.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

**1. (1)** This Act may be called the Cantonments (Amendment) Act, 2018.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2.** After Chapter IV of the Cantonments Act, 2006, the following Chapter and sections thereunder shall be inserted, namely:—

### "CHAPTER IVA

#### CONSTITUTION OF INSPECTION AND PROMOTION COMMITTEE

Constitution of the  
Inspection and  
promotion  
Committee.

**65A. (1)** The Central Government shall, by notification in the Official Gazette, constitute an Inspection and Promotion Committee (hereinafter referred to as the Committee) for carrying out the functions assigned to it under this Act.

41 of 2006.

(2) The Committee shall consist of:—

- (a) the Union Minister of Home Affairs, *ex-officio* Chairperson;
- (b) the Union Minister of Defense, *ex-officio* member;
- (c) Chief Minister of States with Cantonment Boards, *ex-officio* members;
- (d) two members of Parliament, one from the House of the People and one from the Council of States having experience in dealing with Cantonment Board area;
- (e) three members, one each from Army, Air Force and Navy-members;
- (f) an officer from Indian Administrative service or equivalent officer- Secretary;

(3) The Central Government shall provide such number of officers and staff to the Committee as required for its efficient functioning.

(4) The Committee shall meet atleast two times in a month or as the Chairperson may, in consultation with the Secretary decide.

(5) The salary and allowances payable to and other terms and conditions of service of the officers and staff of the Committee shall be such as may be prescribed.

65B. The Committee shall,—

- (a) undertake assessment of residents living below poverty line in the Cantonment Board Areas and provide the benefit of Government schemes to such residents;
- (b) take measures to grant entitlement rights to inhabitants, or residents of old grant bungalows of Cantonment Board areas;
- (c) examine the problems of residents living below poverty line Cantonment Board areas;
- (d) review the need of land in public interest and the allocation of additional land to meet the requirement of residents in general and to the residents living below poverty line in particular; and
- (e) undertake such other function as may be assigned to it, from time to time for carrying out the functions under this Act.

Functions of  
the  
Committee.

### STATEMENT OF OBJECTS AND REASONS

British came to India in the year 1600 as traders and gradually expanded their roots across the country. Robert Clive started this policy of building cantonments in India. The first cantonment was established in Barakpore in the year 1772. The definition of Cantonment had acquired wider meaning by the beginning of the 19th century. It was being considered as a stipulated area specially marked out for the use of the armed forces.

The First war of independence in the year 1857 triggered the construction of large military establishments in India. Army personnel including their domestic workers and servants and also foreign traders, Anglo-Indian, other European and local people (who were given special facility and rights by Army policy-makers) were given the right to reside in them. The British had formulated concepts and conditions such as Old Grant Bungalow (OGW), free hold lease, perpetual *i.e.* permanent lease, temporary lease, etc. Civilians *i.e.* non-military personnel were permitted to build bungalows subject to condition that they would provide them to officers on reasonable rent. The bungalows or quarters in the cantonment area could not be sold or rented to any person not belonging to the British Army.

During the present times, Cantonment Boards do not exist in Britain, America or any other developed or developing countries. Seventy one years after the British had left India, the inhabitants of these areas are still governed by old colonial British laws and rules such as Governor General Orders (440) of 12 September, 1826. Eleven British laws are still applicable to them. All the members of Parliament had given their consent during a discussion on Motion Number 141 moved — in Parliament that all these Cantonment Board should be discontinued. The 73rd Amendment to Constitution advocated Panchayati Raj institutions in all the units of local governance. But it has not been implemented in Cantonment Board. Army officers have been fulfilling basic needs such as cleanliness according to rules and orders issued by local military authorities.

It is high time that around twenty lakh people residing in these Cantonment Boards should be given the right to live with dignity and right to own property like other citizens of the country. Then, only the people living in India can become part of "Swaraj". Also, a commission or high-powered committee should be constituted to examine the problems of each cantonment area, review unjust British Acts and conduct fresh review of the need of land in public interest and allocation of additional land. Although the namely the Cantonment Act, 2006 has been enacted to administer Cantonment areas with a view to impart greater democratisation and development of the area. However, the concerns of inhabitant particular the persons living below poverty line in the Cantonment areas still remain unaddressed. The Bill, therefore, seeks to amend the Cantonments Act, 2006 with a view to constitute an Inspection and Promotion Committee to assess the inhabitants living below poverty line in the Cantonment areas and provide them the benefits for Government schemes.

Hence this Bill.

NEW DELHI;  
November 20, 2018.

CHANDRAKANT KHAIRE

#### FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for constitution of the Inspection and Promotion Committee to assess the inhabitants living below poverty line in the Cantonment areas and provide them the benefit of Government schemes. It also provides for appointment of officers and staff to the Committee. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees five hundred crore is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of rupees one hundred crore is also likely to be involved.

## BILL No. 250 OF 2018

*A Bill to provide for the constitution of the National Inspection and Investigation Committee for preparation of Uniform Civil Code and its implementation throughout the territory of India*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Short title,  
extent and  
commencement.

**1. (1)** This Act may be called the Uniform Civil Code in India Act, 2018.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

**2.** In this Act, unless the context otherwise requires,—

(a) "Uniform Civil Code" means the common civil code or common law for every citizen residing in India irrespective of religion and caste.

(b) "Committee" means the National Inspection and Investigation Committee constituted under section 3; and

(c) "prescribed" means prescribed by rules made under this Act.

**3.(1)** The Central Government shall, within a period of six months from the coming into force of this Act, constitute a Committee to be known as the National Inspection and Investigation Committee for the purpose of preparation of Uniform Civil Code and its implementation in the country.

(2) The Committee shall consist of—

(a) a Chairperson, who has been a retired Chief Justice of India to be nominated by the Central Government in such manner, as may be prescribed;

(b) the Union Minister of Home Affairs—*ex-officio* member;

(c) the Union Minister of Law and Justice—*ex-officio* member;

(d) two members who have been the retired Chief Justices of the High Courts, to be nominated by the Central Government in such manner, as may be prescribed;

(e) one member, to be nominated by the Central Government in such manner, as may be prescribed, from amongst persons of eminence having adequate knowledge and experience in law.

(f) one member, to be appointed by the Central Government in such manner, as may be prescribed, from amongst officers of the Indian Administrative Service—*ex-officio* Secretary;

(3) The Chairperson and the members of the Committee shall hold office for a period of three years.

(4) The salary and allowances payable to and other terms and conditions of the Chairperson and other members shall be such as may be prescribed.

(5) The Central Government shall provide such number of Officers and staff to the Committee, as may be necessary, for its efficient functioning.

(6) The Committee shall have the power to regulate its own procedure.

**4.(1)** It shall be the duty of the Committee to take such steps, as it may deem appropriate, for the codification and implementation of the Uniform Civil Code in the country.

(2) Without prejudice to the generality of the foregoing provision, the Committee shall ensure:—

(a) Uniform Civil Code in entire geographical territory of India;

(b) that the Uniform Civil Code is applicable for marriage, divorce, succession, adoption, guardianship and partition of land and assets on all citizens without any discrimination;

(c) right to equality as guaranteed under article 14 and prohibition of discrimination of any citizen on the basis of religion, Caste and gender is referred to under article 15 of the Constitution;

(d) gender equality in implementation of the Uniform Civil Code; and

(e) substitution of the personal laws (laws based on religious texts and traditions) by Uniform Civil Code.

**5.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the Committee for carrying out the purposes of this Act.

Constitution  
of the  
National  
Inspection and  
Investigation  
Committee.

Functions of  
the  
Committee.

Central  
Government  
to provide  
adequate funds  
to the  
Committee.

Power to remove difficulties.

**6.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

Act to have overriding effect.

**7.** The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to make rules.

**8. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without Prejudice to the validity of anything previously done under that rule.

#### STATEMENT OF OBJECTS AND REASONS

In 1840, on the basis of *Lex Loci* Report, Uniform Law was framed for crimes, evidences and annexure but they left out some personal laws of the Hindus and the Muslims on purpose. On the other hand, the British Indian Judiciary had facilitated application by the British Judges under the English Laws. Besides, in those days many social reformers were voicing to make laws to do away with the discrimination against women done under the *Sati* and other religious customs.

In the Constituent Assembly, while on the one hand there were people like Dr. B.R. Ambedkar who desired reforms in the society and wanted to accept the Uniform Civil Code, there were also Muslim representatives who took side of retaining the Personal Laws based on religious enshrines. Due to this there was opposition of the Uniform Civil Code by the minority communities. As a result, regarding the Uniform Civil Code, only one line could be added as article 44 under Part IV as Directive Principles of State Policy in the Constitution. In this, it is stated that the State shall endeavour to secure for citizens a Uniform Civil Code throughout the territory of India. Since the Uniform Civil Code has been included in the Directive Principles of State Policy of the State, hence these laws cannot be implemented by the Constitution.

Besides, due to its political anomaly no Government showed proper will power to implement these constitutional provisions, because the minorities, especially the Muslims believed that the Uniform Civil Code will lead to the violation of their personal laws. Hence, only to compile the Hindu Laws, the Bills like the Hindu Marriage Act, 1955, the Hindu Succession Act, 1956, the Hindu Minority and Citizenship Act, 1956 and the Hindu Adoptions and Maintenance Act, 1956 were passed which are collectively known as the Hindu Code Bill. In this Bill, alongwith the Buddhist, Sikh, Jain, laws related to different religious communities of the Hindus are included *vide* which the women have been given right to divorce and succession and caste has been termed irrelevant for marriage. Also, polygamy has been done away with.

In the present context, it seem our country is divided in three words in two classes on Uniform Civil Code, namely political, social and religious. In the *Shah Bano Case*, the Supreme Court decided that section 125 of the Indian Penal Code is applicable to all irrespective of religion, caste or community. The court directed that *Shah Bano* must be provided with living expenses. The then Chief Justice Y.V. Chandra said that Uniform Civil Code would end the dissimilarities in the Indian law which would help in establishing national unity. Hence, the Supreme Court had directed the Parliament to make law related to the Uniform Civil Code.

*Sarla Mudgal Case Vs. the Union of India* is the second example *vide* which the Supreme Court under article 44 had again directed the Government. The Supreme Court said that adopting Islam for marriage is a misuse of the personal laws. It said that a Hindu marriage can be dissolved only under the Hindu Marriage Act, 1955 which means after adopting Islam the marriage done thereafter cannot be dissolved under the Hindu Marriage Act and it is a crime under section 494(5) of the Indian Penal Code.

In *John Vellamettam Vs. Union of India*, the Supreme Court declared section 118 of the Indian Succession Act, 1925 as unconstitutional. Justice Khare said, "It is mentioned in article 44 that the State of India will strive to provide Uniform Civil Code to all citizens in its entire. But it is said that article 44 as mentioned in the Constitution has not been implemented properly. But the Uniform Civil Code would help in establishing national integration by avoiding contradictions on the grounds of ideologies."

The decision to implement the Juvenile Justice (Care and Protection of Children) Act seems to be a step towards Uniform Civil Code since this Act permits the people of Muslim community to adopt children whereas Muslims are not permitted or allowed to adopt children

under their personal laws. The Supreme Court has again asked the Government to implement the Uniform Civil Code so as to end gender inequality and wrong traditions prevalent under the personal laws.

Under the Uniform Civil Code a collection of laws will be prepared which will protect the personal rights of all citizens without considering the religion, which seems to be the need of the hour. In reality this is the foundation stone of the secularism. Such progressive reforms will not only help to end discrimination against women but also help in strengthening the secular structure and encourage integrity. In fact our social system is replete with injustice, discrimination and corruption and are in conflict with our fundamental rights, hence it needs to be reformed. As we know that there is Penal Code in our country which is equally applicable to all without considering the religion, caste and domicile. But there is no uniform law in our country with regard to divorce and succession and these subjects are controlled by the personal laws. Hence the Uniform Civil Code should be ensured to all citizens residing in areas where the population of entire geographical area resides.

Hence this Bill.

NEW DELHI;

*November 20, 2018.*

CHANDRAKANT KHAIRE

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of the National Inspection and Investigation Committee. It also provides for the salary and allowances of the Chairperson, members, officers and staff of the Committee. Clause 4 provides that the Committee shall take steps for codification and implementation of the Uniform Civil Code in the country. Clause 5 provides that the Central Government shall provide adequate funds to the Committee. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees five hundred crore would be involved from the Consolidated Fund of India per annum.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules relate to matters of detail only, the delegation of legislative power is of a normal character.

**BILL NO. 248 OF 2018**

*A Bill to change the name of Aurangabad city as Sambhaji Nagar in the State of Maharashtra and for matters connected therewith.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

**1. (1)** This Act may be called the Change of Name of Aurangabad City of the State of Maharashtra to Sambhaji Nagar Act, 2018.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2. (1)** The Central Government shall, in consultation with all agencies concerned, issue a 'No-objection Certificate' for renaming Aurangabad city in the State of Maharashtra to Sambhaji Nagar.

Short title,  
extent and  
commencement.

Change of the  
Name of  
Aurangabad to  
Sambhaji  
Nagar.

(2) After receipt of 'No-objection Certificate', the State Government shall, by notification in the State Gazette, issue necessary orders for renaming of Aurangabad city as Sambhaji Nagar for all purposes in records of the State.

**3.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the State Government of Maharashtra to meet the expenditure for changing of name of Aurangabad city to Sambhaji Nagar in all books, records and documents of the State Government and for beautification and overall development of the city.

The Central Government to take appropriate measures.

**4.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty:

Power to remove difficulty.

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

**5.** The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Overriding effect.

#### STATEMENT OF OBJECTS AND REASONS

Aurangabad is an industrial centre which always had a Hindu majority. In the medieval times, Mughal invaders occupied the city and named it after Aurangzeb. The reason for altering the name of Aurangabad to Sambhaji Nagar is the sacrifice of Chhatrapati Sambhaji Maharaj and his hard struggle to defeat Aurangzeb in Deccan by uniting Marathas. Heir of Maratha King and Chhatrapati Shivaji Maharaj, his son Chhatrapati Sambhaji Raje (Chhatrapati Sambhaji Raje Bhonsle) or Shambhaji (1657-1689) had prominent role in ending the rule of most powerful enemy of Marathas *i.e.* Aurangzeb in India from the region of Bijapur and Golkunda. Sambhaji Raje was very famous for his bravery, Sambhaji Maharaj had fought one hundred and forty battles during his short rule and the important thing is that he was never defeated. Battled by his heroics, Aurangzeb had taken a vow not to wear his crown till Chhatrapati Sambhaji is captured.

The need is to change the name of Aurangabad city in the State of Maharashtra to Sambhaji Nagar on account of sacrifice of Shri Sambhaji Maharaj on the lines of Aurangzeb Road in Delhi to APJ Abdul Kalam Road, Faizabad and Allahabad in the State of Uttar Pradesh to Ayodhya and Prayagraj, respectively.

Hence this Bill.

NEW DELHI;  
November 20, 2018.

CHANDRAKANT KHAIRE

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides the Central Government to provide adequate funds to the State Government of Maharashtra to meet the expenditure for changing the name of Aurangabad city to Sambhaji Nagar in all records and documents of the State and for beautification and overall development of the city. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees five hundred crore per annum would involve from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

## BILL NO. 177 OF 2017

*A Bill to provide for the protective measures with need based rehabilitation and welfare to be undertaken by the Government for the distressed, infirm, neglected and disowned widows and single women by providing financial assistance, pension, medical care, housing and other facilities through a Welfare Board to such widows and single women and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title and commencement.

**1. (1)** This Act may be called the Distressed Widows and Single Women (Protection, Rehabilitation and Welfare) Act, 2017.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "disowned widow" means a widow who has been deserted or thrown out of household by her relatives to fend for herself and who has no means to support her and her dependent children, if any;

(b) "appropriate Government" means in the case of a State the Government of that State and in all other cases, the Central Government;

(c) "Board" means the Distressed Widows and Single Women Welfare Board established under section 3;

(d) "distressed" in relation to a widow and single woman means any widow or single woman who lives uncared for and has become inform due to old age or chronic or incurable disease, physical deformity or mental imbalance and who has no independent and adequate means of livelihood for her and her dependent children, if any;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "single woman" means a female adult who is either unmarried or divorcee or judicially separated from her spouse; and

(g) "widow" means a legally married women whose husband has died.

3. (1) The Central Government, shall, as soon as may be, but not later than six months from the commencement of this Act, by notification in the Official Gazette, establish a Board to be known as the Distressed Widows and Single Women Welfare Board for carrying out the purposes of this Act.

Establishment  
of the  
Distressed  
Widows and  
Single Women  
Welfare  
Board.

(2) The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable and to contract and shall by the said name sue and be sued.

(3) The headquarter of the Board shall be at Mumbai in the State of Maharashtra and the Board shall establish its branches in all other States and Union territories at conspicuous places as the Board may deem fit and necessary.

(4) The Board shall consist of —

(a) the Union Minister of Women and Child Development who shall be the chairperson—*ex-officio*;

(b) a Deputy Chairperson, preferably a woman with such qualifications and experience, as may be prescribed, to be appointed by the Central Government;

(c) one member representing single women with such qualification, as may be prescribed, to be appointed by the Central Government;

(d) ten women Members from both the Houses of the People and the Council of States, to be nominated by the respective Presiding Officers of each House;

(e) six members representing Union Ministries of Women and Child Development, Home Affairs, Human Resource Development, Health and Family Welfare, Finance and Social Justice and Empowerment;

(f) not more than eight members to be appointed by the Central Government in consultation with the Governments of the States, by rotation in alphabetical order, to represent the Governments of the States;

(g) two members to be appointed by the Central Government from amongst the registered non-Governmental Organisations (NGOs) working for the welfare of distressed widows or single women, as the case may be.

(5) The salary and allowances payable to, and other terms and conditions of the Deputy Chairperson and members of the Board shall be such as may be prescribed.

(6) The Board shall follow such procedure for holding its meetings and the quorum for such meetings shall be such, as may be prescribed.

(7) The Board shall have a Secretariat consisting of a Member Secretary and such number of officers, and employees as may be prescribed.

(8) The salary and allowances payable to, and other terms and conditions of service of Member Secretary, officers and employees shall be such as may be prescribed.

Functions of  
the Board.

**4. (I)** Notwithstanding anything contrary contained in any other law for the time being in force, the Board shall promote and implement such protective and welfare measures as it thinks appropriate, including rehabilitation for the distressed widows and single women who are in dire need of such measures.

(2) Without prejudice to the generality of the provisions of sub-section (I), the Board shall,—

(a) maintain district-wise register of the abandoned, disowned and distressed widows and single women covered under this Act who are to be rehabilitated and are in need of assistance from the Board with such particulars and details and in such manner as may be prescribed;

(b) collect and get verified the antecedents of every widow and single woman covered under this Act to assess her need for assistance in such manner as may be prescribed;

(c) work out plans and formulate schemes for the overall welfare and rehabilitation of abandoned, disowned or distressed widows and single women covered under this Act;

(d) conduct a special survey of the abandoned and disowned widows subsisting on alms as beggar or chanting bhajans in the temples and other parts of the State of Maharashtra and other parts of the country or who are languishing in temples and in various parts of the country in pitiable conditions and formulate appropriate rehabilitation and reuniting with their families programmes for such widows and single women in such manner as may be prescribed;

(e) give wide publicity through electronic and print media about the welfare and rehabilitation measures being undertaken by the Board to enable the women covered under this Act to avail them; and

(f) perform such other functions not inconsistent with the provisions of this Act, as may be assigned to it by the appropriate Government from time to time.

Constitution  
of National  
Distressed  
Widows and  
Single Women  
Rehabilitation  
and Welfare  
Fund.

**5. (I)** The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the National Distressed Widows and Single Women Rehabilitation and Welfare Fund with an initial corpus of rupees ninety thousand crore for carrying out the purposes of this Act.

(2) The Fund shall be administered by the Board in such manner as may be prescribed.

(3) The Fund established under sub-section (1) shall consist of all receipts from—

(a) the Central Government and Governments of the States and Union territories and their institutions and organisations;

(b) body corporates, both public and private sector and Banks and financial institutions both domestic and foreign; and

(c) individuals, associations and others in the form of contributions or donations.

**6.(1)** On the recommendation of the Board or otherwise, the appropriate Government shall provide the widows and single women covered under this Act, the following facilities, namely:—

- (a) monthly subsistence allowance of not less than twenty thousand rupees if the widow or the single women, as the case may be, is having any dependent children and not less than ten thousand rupees in case she has no dependent children to support;
- (b) residential accommodation free of cost wherever necessary;
- (c) free medical care with medicines and with indoor and outdoor facilities as may be required;
- (d) free education to the dependent children as per their talent including higher, medical, engineering and education in such manner as may be prescribed;
- (e) gainful employment as per the physical condition after imparting vocational training wherever possible;
- (f) financial assistance for rehabilitation like self employment wherever required;
- (g) free legal aid in case the widow or single women, as the case may be, has been thrown out or abandoned by her kith and kin; and
- (h) such other facilities, as may be necessary for the rehabilitation, welfare, proper development, regaining her lost status in the family and for maintaining a respectable life in the society:

Provided that if, a widow or single woman, as the case may be, covered under this Act either gets married, remarried, gainfully employed or taken back by her kith and kin in the family, the facilities being provided to her shall be withdrawn by the appropriate Government.

(2) The costs incurred by the appropriate Government on providing the facilities under this Act to the widows and single women covered under this Act shall be defrayed from the Rehabilitation and Welfare Fund established under section 5.

**7.** Notwithstanding anything contained in any other law, for the time being in force or in any custom prevalent any widow or single woman covered under this Act shall,—

- (a) not be evicted or thrown out of the house of the in-laws or parents, as the case may be or where such widow or single woman was last residing;
- (b) be entitled to inherit the property or her share of jointly owned property from her in-laws or parents, as the case may be; or
- (c) be entitled for maintenance from her in-laws or kith or kin who neglect or abandon the widow or single woman, as the case may be.

**8.(1)** The appropriate Government shall establish such number of hostels at conspicuous places in various parts of its territorial jurisdiction as it may deem necessary for boarding and lodging of abandoned and disowned and distressed widows and single women covered under this Act with necessary facilities of daily life as may be prescribed.

(2) The appropriate Government shall also provide necessary free medical aid and medicines and means of entertainment for the residents of the hostels established under sub-section (1):

Provided that women living in such hostels shall not be entitled to maintenance allowance.

Facilities to be provided by the appropriate Government.

Protective Provisions.

Establishment of hostels.

Central Government to provide requisite funds.

Annual report of the Board.

Power to remove difficulty.

Act to have overriding effect.

Act to supplement other laws.

Power to make rules.

**9.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide the requisite funds to the State Governments, Union territories and the Board from time to time for carrying out the purposes of this Act.

**10.** The Board shall prepare an Annual Report in such form and in such manner, as may be prescribed, of its activities in implementing the provisions of this Act and submit it to the President of India who shall cause the report to be laid before both the Houses of Parliament along with action taken thereon by the Central Government as soon as it is received.

**11.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty.

**12.** The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

**13.** The provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to the widows and single women covered under this Act.

**14.(1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or successive sessions aforesaid both Houses agree in making any modification in the rule or both Houses agree that they should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under such rule.

#### STATEMENT OF OBJECTS AND REASONS

In our country, world's second most populous nation, there are millions of unfortunate and hapless women who lose their husbands during their lifetime and become widows. More than fifty per cent of these widows are old, infirm suffering from various diseases, physical deformity or mental imbalance particularly belonging to poor and middle class families who live uncared for and neglected by their near and dear ones and most of them are without independent and adequate means of livelihood and roof over their heads. It is very common that when a widow does not have any permanent source of income or livelihood she is driven out of her in-laws home or even from her parental home. Their problems increase manifold due to poverty and other compelling reasons where they have no other option but to go for begging for survival and many such widows can be seen begging in the streets and public places. Several women become widow in their youth. Many of such widows work as housemaids and take up other jobs for survival. Many widows take shelter in old age homes but their number is lawfully very short. Then there are those single women who are either deserted by their husbands or who are legally separated or divorced from their spouses. Their miseries increase when they have dependent children to support and bring up. They too need protective umbrella.

It is therefore imperative to establish an authority to exclusively take care of such widows and single women throughout the country.

Hence this Bill.

NEW DELHI;  
*July 19, 2017.*

GAJANAN KIRTIKAR

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the Distressed Widows and Single Women Welfare Board. Clause 5 provides for the establishment of National Distressed widows and Single Women Rehabilitation and Welfare Fund with initial corpus of rupee ninety thousand crore to be provided by the Central Government. Clause 6 provides for financial assistance and other facilities for widows and single women. Clause 8 provides for establishment of hostels. Clause 9 makes it mandatory for the Central Government to provide requisite and adequate funds for carrying out the purposes of this Bill. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. Apart from the initial corpus of rupee ninety thousand crore, it is estimated that a sum of rupee thirty six crore may involve as recurring expenditure per annum.

A non-recurring expenditure of rupee fifteen crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

## BILL NO. 178 OF 2017

*A Bill to provide for faster tracking and reuniting the children, who go missing due to abduction, kidnapping, luring or runaway from their homes, with their parents; establishment of Special Cells in Police establishments with specifically trained personnel to trace missing children; immediate registration of F.I.R. for flashing photograph and details of missing children in television, newspapers and social media so as to put in place proper mechanism to trace missing children and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

**1. (1)** This Act may be called the Missing Children (Faster Tracking and Reuniting) Act, 2017.

Short title,  
extent and  
commencement.

**(2)** It extends to the whole of India.

**(3)** It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

**2.** In this Act unless the context otherwise requires,—

(a) "appropriate Government" means, in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "child" means any human being who is below the age of eighteen years; and

(c) "prescribed" means prescribed by rules made under this Act.

Appropriate Government to constitute Special Cells for missing children.

**3. (1)** Notwithstanding anything contained in any other law for the time being in force, the appropriate Government shall constitute Special Cell in the Ministry or Department, as the case may be, dealing with children to exclusively deal with missing children and put in place a proper mechanism to trace missing children.

(2) The appropriate Government shall also set up Special Cells, as per the need, in its Police establishment with specifically trained personnel from the National Police Academy or any such other organization specialized in imparting training to personnel of Police or Para-military forces, as the case may be, for tracking the missing children.

Special provisions for missing children.

**4. (1)** Notwithstanding anything contained in any other law for the time being in force,—

(a) it shall be mandatory for Station House Officer of every police station to register First Information Report (F.I.R.) immediately, on being informed, either in writing or verbally by anyone, regarding a missing child and the F.I.R. shall be specific with missing and abducted or kidnapped child and shall pass on the F.I.R. to Special Cells constituted under section 3 in such manner as may be prescribed.

(b) the Special Cell of Police, shall, at the earliest opportunity flash the Photograph and other details of the missing child in all the Television networks and shall also publish in the newspapers and social media in such manner and with such details, as may be prescribed;

(c) the Special Cell of Police shall start its probe with immediate effect to trace the missing child so as to reunite him with his near and dear ones; and

(d) non-registration or any wilful delay in registration of F.I.R. regarding a missing child shall be a criminal offence under this Act and the in-charge of the Police Station shall be deemed to have committed the offence.

(2) The National Police Academy or any other organization referred to in sub-section (2) of section 3 shall formulate training module for the Police personnel meant for Special Cells and if required the assistance of academic Centres of Universities or Institutes shall be taken for the purpose of tracking of missing children.

(3) The Special Cell while adopting its methodology of investigation in cases of missing children may also identify begging spots, take mobile phone numbers of beggars and put them on surveillance particularly in areas where large number of children have gone missing, identify the children who are begging and investigate as to whether they are controlled by any group or leader and whether they resemble missing children, probe the known clinics where human organs are transplanted, in such manner as may be prescribed.

(4) The missing children rescued by the Special Cell of the Police shall be reunited with their parents or guardians, as the case may be, at the earliest opportunity.

Power to search etc.

**5.** Any Police officer of the Special Cell who is investigating case or cases of missing children shall have the powers, with the assistance, if any, as he may deem fit, to inspect any place, at any reasonable time, which he considers necessary for carrying out the purposes of this Act.

Penalty.

**6.** The offence committed under clause (d) of sub-section (1) of this Act shall be punishable with imprisonment for a term which may extend upto three years and also with fine which may extend upto two lakh rupees.

**7.** The appropriate Government shall formulate rehabilitation and such other welfare measures for the children covered under this Act who could not be reunited with their families or guardians.

Welfare measures.

**8.** The Central Government shall after due appropriation made by Parliament by law in this behalf, provide adequate funds, from time to time, for carrying out the purposes of this Act.

Central Government to provide funds.

**9.** The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have overriding effect.

**10.** The provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to the subject matter of this Act.

Act not in derogation of any other law.

**11. (I)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

#### STATEMENT OF OBJECTS AND REASONS

It is very unfortunate and sorry state of affairs that a very large number of children go missing every day in every nook and corner of the country and it is more horrifying. Most of them remain untraceable forcing their parents for endless wait for their return and reunion with them. It is more shocking that most of these missing children belong to poor families and when their parents go to Police Station to lodge an F.I.R. they are welcomed by indifferent and heartless Police personnel who not only refuse to lodge F.I.R. but also insult the hapless parents and shoo them away instead of making efforts to trace the missing child. This nonchalance is one major reason for the increasing number of missing children across the country.

The very large number of missing children also indicate presence of trafficking mafias in the country who lure and abduct the children and force them into begging, stealing, pick-pocketing and other crimes after making them drug addicts. The girl child is pushed into prostitution. It is also apprehended that the missing children might be used in illegal organ transplantations.

The Bill propose to set up special cells in the Ministry or Department of the Government and in the Police establishment exclusively to deal with missing children. The Police personnel must get appropriate training for this purpose. Non filing of F.I.R. is proposed to be made a criminal offence with penal provision. The task of rescue is very critical for the missing children so that they are reunited with their near and dear ones.

Hence this Bill.

NEW DELHI;

GAJANAN KIRTIKAR

*July 19, 2017.*

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for establishment of special cells by appropriate Governments for missing children. Clause 7 of the Bill provides for the welfare measures for the children covered under this Bill. Clause 8 makes it mandatory for the Central Government to provide funds for carrying out the purposes of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one thousand crore may involve as recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupee five thousand crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL No. 240 OF 2017

*A Bill to prohibit the slaughter of cow and its progeny and for matters connected therewith.*

WHEREAS article 48 of the Constitution enjoins on the State to organize agricultural and animal husbandry on modern and scientific lines and in particular to take steps for preserving and improving the breeds and prohibiting the slaughter of cow and its progeny.

Be it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title and commencement.

**1. (1)** This Act may be called the Ban on Cow Slaughter Act, 2017.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

- 2.** In this Act, unless the context otherwise requires, “cow” includes a bull, bullock, ox, heifer or calf. Definitions.
- 3.** Notwithstanding anything contained in any other law for the time being in force or any usage or custom to the contrary, no person shall slaughter or offer or cause to be offered for slaughter of any cow in any place. Ban on cow slaughter.
- 4.** No person shall sell or offer for sale or cause to be sold beef products in any form for any purpose. Ban on sale of beef.
- 5. (1)** Any person who slaughters a cow or sells beef or beef products shall be punished with imprisonment for a term which may extend upto ten years or with fine which may extend upto rupees ten lakh or with both. Punishments.
- (2)** In case a person convicted of an offence under this Act fails to pay the fine, the term of imprisonment of such person shall extend for a further period of five years.

#### STATEMENT OF OBJECTS AND REASONS

The cow protection was a symbol of animal rights and of non-violence against all life forms for Gandhi. He venerated cows, and suggested ending cow slaughter to be the first step to stopping violence against all animals. He said: "I worship it and I shall defend its worship against the whole world", and stated that "the central fact of Hinduism is cow protection".

Article 48 of the Constitution enjoins on the State to organize agricultural and animal husbandry on modern and scientific lines and in particular to take steps for preserving and improving the breeds and prohibiting the slaughter of cow and its progeny. In view of the consideration that the cow and its entire progeny must be saved to provide milk, as well as manure, it becomes imperative to impose complete ban on the cow slaughter.

Various researchers and practical observations have revealed that even after stoppage of milk, the products out of cow dung and urine are being manufactured to such an extent that it is becoming economically beneficial to maintain and nourish them.

Though some States have imposed the ban, lakhs of cows and its progeny are being carried from these States to the States where the ban has not been imposed and even to other countries. India is the third biggest beef exporter in world.

The demand for complete stoppage of cow slaughter has come from eminent persons of all religions, Supreme Court has also upheld cow ban in the State of Gujarat.

People from all walks of life have undertaken Vishwa Mangal Gau Gram Yatra throughout the country to educate masses. Vishwa Mangal Gau Gram Yatra is the largest ever cow protection movement in India. The yatra (journey) began on 30 September, 2009 from Kurukshetra in the State of Haryana and ended on 17 January, 2010 at Nagpur, covering 20,000 kilometres (12,000 miles) in these 108 days.

Thus from constitutional and other angles, it is necessary to ban slaughter of cow and its progeny through a central law.

Hence this Bill.

NEW DELHI;  
November 27, 2017.

GAJANAN KIRTIKAR

## BILL NO. 239 OF 2017

*A Bill to provide for promotion of family planning measures by the Central and the State Governments for population stabilization in the country through various incentives and disincentives so as to ensure that the population is commensurate with its social, economic and other developments and with the ecological balance and bridge the gap between the haves and have nots and for achieving quality of life and for matters connected therewith and incidental thereto.*

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

**1. (1)** This Act may be called the Population Stabilization Act, 2017.

(2) It extends to the whole of India.

Short title,  
extent and  
commencement.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

**2.** In this Act, unless the context otherwise requires,—

- (a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;
- (b) "prescribed" means prescribed by rules made under this Act; and
- (c) "small family" means family having one child.

Declaration.

**3.** It is hereby declared that the provisions of this Act are for the purposes of giving effect to the policies of the State towards securing the principles laid down in article 38 of the Constitution of India.

Formulation of Comprehensive Population Policy.

**4.** The Central Government shall, as soon as may be, by notification in the Official Gazette, formulate a comprehensive population policy particularly for the purposes of having one child norm for the eligible couples and other issues including economic, educational, legal, medical, social and other incidental aspect to promote small family norms so as to effectively control the booming population of the country in order to achieve rapid economic progress and raise the standard of living of the masses.

Facilities to Government employees who adopts small family norm.

**5.** Notwithstanding anything contained in any other law for the time being in force, the employee of the Central Government or of a Public Sector enterprise under the control of the Central Government who adopts small family norm by undergoing sterilization operation himself or of the spouse shall be given:—

- (a) one year additional salary with all allowances along with two additional increments as incentives;
- (b) plot or house site or built house from Housing Board or Development Authority of the Government at subsidized rates;
- (c) loan for construction or purchasing the House from banks or financial institutions on nominal rate of interest;
- (d) free healthcare facilities and insurance coverage to parents of single child;
- (e) free Healthcare facilities to single child till he attains the age of twenty-five years;
- (f) preference to single child in admission in all educational institutions including AIIMS, IIT and IIM.
- (g) preference to single child in all government jobs; and
- (h) such other benefits and incentives as may be prescribed.

Extention of benefits to general public.

**6.** The incentives and benefits referred to in section 5 shall be extended *mutatis mutandis* to the general public in the manner provided therein.

Loss of benefits whoever contravenes small family norm.

**7.** Whoever in contravention of small family norm procreates more than one child, shall be ineligible to avail incentives and benefits provided in this Act and in addition thereto shall,—

- (a) be denied the subsidies in matters of loans extended to him;
- (b) not be eligible to get the benefits of Public Distribution System;
- (c) not be given any loan by any bank or financial institution; and
- (d) not be entitled for such other facilities as may be prescribed.

No maternity facilities to be given for those having more than one living children.

**8.** Any woman having more than one living child shall be provided maternity leave but the emolument benefit of the maternity period shall stand withdrawn:

Provided that if, such woman agrees to undergo sterilization operation after the birth of her second child then she shall be provided with the requisite maternity facilities forthwith.

**9.** (1) Notwithstanding anything contained in any of the election laws for the time being in force, a citizen shall be disqualified for being chosen as a member of either House of Parliament or of the legislature of a State or of any body of the local self Government, if such citizen has more than two living children:

Provided that this provision shall not apply in case of a citizen having more than two living children on or before the date of commencement of this Act.

(2) Notwithstanding anything contained in any other law for the time being in force, no marriage shall be solemnized between a male who is less than twenty-five years of age and a female who is less than twenty-two years of age.

(3) Every serving Government employee shall give an undertaking that he shall not procreate more than one child:

Provided that this provision shall not apply to those Government employees who have more than one living children on or before the date of commencement of this Act.

**10.** The provision of this Act shall not apply in case of birth of twins.

Act shall not apply on birth of twins.

**11.** Whoever contravenes,—

Penalty.

(a) the provisions of sub-section (2) of section 9 shall be punishable with simple imprisonment for a term which shall not be less than two years but may extend to four years and also with a fine, which may extend to two lakh rupees.

(b) the provisions of sub-section (3) of section 9 shall forfeit his right to promotion and shall not be eligible for any further increment till he is in government service.

**12.** The appropriate Government shall,—

Duties of the Government.

(a) implement the revised National Population Policy to achieve the goals enumerated therein;

(b) set up maternity hospitals and centers in sufficient numbers at conspicuous places;

(c) distribute contraceptive pills, condoms through Healthcare Centres and Non-Governmental Organisations;

(d) organize sterilization camps from time to time;

(e) distribute iron and vitamin capsules and tablets amongst the expecting mothers;

(f) give wide publicity to the benefits of having small families; and

(g) undertake such other measures as it may deem fit and expedient for the purposes of this Act.

**13.** The Central Government shall after due appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Act from time to time.

Central Government to provide funds.

**14.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for the removal of the difficulty:

Power to remove difficulty.

Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act.

**15.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Overriding effect.

Miscellaneous provisions.

Savings.

**16.** The provisions of this Act shall be in addition to and not, save as otherwise expressly provided in this Act, in derogation of any other law for the time being in force.

Power to make rules.

**17. (I)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

#### STATEMENT OF OBJECTS AND REASONS

Ours is the second most populous country after China. The booming population has already crossed the one billion benchmark and currently, it is around one hundred and twenty-five crores, which is increasing every moment. Having only 2.4 per cent of global land area, we have more than sixteen per cent of the global population making it the most densely populated nation of the world. This scenario is compelling, at least half of the population is living in slums under squalid conditions. Unemployment is rising rapidly causing frustration amongst the unemployed, particularly the youth who are being lured by anti-national elements. There is unparallel transformation of human values, social institutions and economic structures. Agriculture land holdings are becoming smaller and smaller. The housing needs are far beyond the available finances and the shortage of housing is appalling. Educational facilities are becoming hopelessly poor. Overcrowding is also causing environmental degradation. Trees are being felled to meet the demand for fuel, construction, furniture and other purposes which is leading to shrink of forest cover. The increased level of carbon-di-oxide in the environment is resulting in harmful diseases. The healthcare facilities are far from satisfactory and if this trend continues, we can hardly expect to achieve improved quality of life and the situation will move from bad to worse.

It is, therefore, imperative that effective steps must be taken to check the booming population and this should be tackled at all levels. A clear message must go across the nation that since our resources are limited, we have to opt for small families. It is very unfortunate that despite availability of various birth control measures and several Family Planning Programmes, the population continues to rise menacingly. The Bill seeks to promote small family norm among citizens through various incentives and disincentives in order to achieve population stabilisation in the country.

Hence this Bill.

NEW DELHI;  
*November 27, 2017.*

GAJANAN KIRTIKAR

#### FINANCIAL MEMORANDUM

Clause 5 of the Bill provides certain benefits to Government employees who adopt small family norm. Clause 6 provides for extension of benefits to general public who adopt small family norm. Clause 13 provides that the Central Government shall provide requisite funds from time to time for carrying out the purposes of the Bill. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees ten crore will be involved out of the Consolidated Fund of India.

No non-recurring expenditures is likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 236 OF 2018

*A Bill to establish a legal framework which mandates that all Government Bills and Acts be drafted using plain, clear and concise language in order to maximize readability, eliminate ambiguity and ensure compliance through easy interpretation with a view to enhance citizens' access and understanding of Laws of India and for matters connected therewith.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

**1. (1)** This Act may be called the Drafting of Law in Plain Language Act, 2018.

Short title and commencement.

(2) It shall come into force on such a date as the Central Government may, by notification in the Official Gazette, appoint.

**2.** In this Act, unless the context otherwise requires,—

Definitions.

(a) "drafting agency" means any Central Government department, ministry or a third party, whether Private or public that is tasked on behalf of the Government of India to draft or amend a law;

(b) "law" means central law and includes any central Ordinance, Order, by-law, rule regulation, notification, custom or usages having in the territory of India the force of law;

(c) "plain language" means a form of written expression which is characterized, but not limited to following features, namely:—

(i) strives to be easy to read, comprehend and use by both lay persons and experts;

(ii) avoids Latin legal maxims, foreign vocabulary and archaic jargon when simple English equivalents are available;

(iii) when applied to legislative drafting, follows a logical flow where each statute, procedural and substantive clause is explained with utmost clarity and simplicity;

(iv) when applied to legislative drafting, sticks to gender-neutral terms unless a specific provision or a whole law otherwise demands;

(v) follows other best practices appropriate to the subject or field and intended audience; and

(d) "prescribed" means prescribed by rules made under this Act.

**3.** Every ministry and department of the Government of India shall strive to draft laws in plain language to the largest possible extent to ensure that the implications and purpose of the law are understood by the widest possible audience.

**4.** The drafting agency shall eliminate any ambiguity or confusion by clearly clarifying the intended meaning of each law.

**5.** (1) The Union Ministry of Law and Justice shall create, maintain and regularly update a comprehensive document called the "Legislative Drafting Manual" to lay down the principles and guidelines to use plain language while drafting a law.

(2) Notwithstanding anything contained in any other law for the time being in force, it shall be mandatory for the drafting agency to implement the guidelines issued under Legislative Drafting Manual while drafting or amending an existing law.

(3) The Legislative Drafting Manual shall be made available publicly on the website of Ministry of Law and Justice and a hardcopy shall be made available to every ministry and department of the Central Government in such manner as may be prescribed.

**6.** The Legislative Drafting Manual shall have guidelines on the following aspects but not limited to:—

(a) restricting the usage of long winding paragraphs and superfluous language;

(b) promoting the drafting of gender-neutral laws;

(c) avoiding the usage of Latin legal maxims and other foreign language terms and promoting the usage of the plain English equivalents terms;

(d) drafting an accessible clause which encompasses only one legal idea;

(e) minimise use of cross referencing techniques;

(f) promoting the use of clear, simple and compact definitions to improve readability and to ensure better compliance with the law;

Plain Drafting Language by the Ministries and Departments.

Drafting Agency to eliminate ambiguity in law.

Ministry of Law and Justice to maintain Legislature Drafting Manual.

Guidelines for the Legislative Drafting Manual.

(g) logical flow of the law which ensure that all the substantive clauses are laid down unequivocally before the procedural aspect is defined.

**7. (1)** The Ministry of Law and Justice, Legislative and Legal Affairs Department shall provide legal and drafting assistance to every Department and Ministry of the Central Government which are in the process of drafting a new law or amendment to a law.

(2) The Legislative and Legal Affairs departments shall ensure that the standards defined in the Legislative Drafting Manual and maintained and principles of plain language drafting are integrated right at the very beginning of the process of drafting a new law.

**8.** The provisions of this Act shall have effect notwithstanding inconsistent therewith contained in any other law for the time being in force.

**9. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Ministry of  
Law and  
Justice to  
provide legal  
and drafting  
assistance.

Overriding  
effect of the  
Act.

Power to  
make rules.

### STATEMENT OF OBJECTS AND REASONS

Justice James Stephen, the author of the Indian Evidence Act (1872), once remarked: "...it is not enough to attain a degree of precision which a person reading in good faith can understand; but it is necessary to attain, if possible, a degree of precision which a person reading in bad faith cannot misunderstand. This statement is still as relevant today as it was over one hundred and twenty years ago, when it first surfaced in 1891.

Legal writing has been often criticized for being unnecessarily complex, superfluous and more importantly unintelligible to the common citizen and sometimes even to the people well versed with it. The repercussions are even graver when this writing takes the form of legislative writing. Legislations are of deep importance in a democratic system. They shape up everything, right from an individual's behavior to the degree of efficiency with which a society will work. It is imperative that every common citizen be able to gauge the meanings and implications of laws that affect them. This basic right, therefore, should not be limited to a select few with formal legal training.

Clear, concise and well-articulated legislation which avoids unnecessary usage of provisos, archaic jargon and tedious legalese paves way for better understanding by the citizens, enforcement by the executive and proper interpretation by the judiciary.

These basic tenets lie at the heart of the 'plain language movement' which has been positively altering the face of legislative drafting since the 1970s and saving time, money and public resources. The effect has been more pronounced in countries like Australia, Ireland, New Zealand etc. which are based on the English common law.

The Honorable Supreme Court in 1976 observed that: "We cannot but deplore the clumsy draftmanship displayed in a statute which affects the common man in his daily bread. It is unfortunate that easy comprehensibility and simplicity for the laity are discarded sometimes through over-sophisticated scholarship in the art of drawing up legislative Bills. It cannot be overstressed that a new orientation for drafting methodology adopting directness of language and avoiding involved reference and obscurity is overdue."

The principle of Rule of Law presupposes that those who are affected by a law should be in a position to ascertain its meaning and effect. Therefore, plain language drafting is the need of the hour to facilitate strengthening the rule of law and ensure better accessibility & participation of the citizens of the country.

Hence this Bill.

NEW DELHI;  
November 26, 2018.

RAJEEV SATAV

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL No. 242 OF 2018

*A Bill to provide for constitution of the Women Development and Welfare Authority to formulate schemes and recommend to the appropriate Government about measures for women empowerment and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows :—

Short title,  
extent and  
commencement.

**1. (1)** This Act may be called the Women (Development and Welfare) Authority, Act, 2018.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2.** In this Act, unless the context otherwise requires,—

Definitions.

(a) "annual report" means a report giving the details of developmental activities taken up over the year by the Authority and detailing about targets set and achieved;

(b) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(c) "Authority" means the Women (Development and Welfare) Authority constituted under section 3;

(d) "domestic worker" means a woman employed to do work in or for a private household(s) including cooking, cleaning, gardening, childcare, and old-age care;

(e) "health certificate" means a document signed by a competent health authority providing proof that a person is non-alcoholic;

(f) "placement agency" means any agency or contractor, whether registered or otherwise, engaged in the placement of domestic workers with prospective employers; and

(g) "prescribed" means prescribed by rules made under this Act.

**3. (1)** With effect from such date as the Central Government may, by notification in the Official Gazette specify, there shall be constituted an Authority, to be known as the Women (Development and Welfare) Authority for carrying out the purposes of this Act.

Constitution  
of Women  
(Development  
and Welfare)  
Authority.

(2) The Authority shall consist of:—

(a) Union Minister, Ministry of Women and Child Development—Chairperson, *ex-officio*;

(b) a Deputy Chairperson, preferably a woman with such qualifications and experience, as may be prescribed, to be appointed by the Central Government;

(c) Chairperson, National Commission for Women—member, *ex-officio*;

(d) Director General of Health Services, Ministry of Health and Family Welfare—member, *ex-officio*;

(e) one member representing single women with such qualification, as may be prescribed, to be appointed by the Central Government;

(f) seven women Members of Parliament of whom four shall be from the House of the People and three from the Council of States, to be nominated by the respective Presiding Officers of each House;

(g) five members representing Union Ministries of Home Affairs, Human Resource Development, Health and Family Welfare, Finance and Social Justice and Empowerment;

(h) not more than four members to be appointed by the Central Government in consultation with the Government of the States, by rotation in alphabetical order, to represent the Government of the States;

(i) three members to be appointed by the Central Government from amongst the registered Non-Governmental Organisations (NGOs) working in the field of women empowerment and welfare and having an experience of at least ten years in the field of protection of women rights.

(3) The Central Government shall appoint such number of officers and staff as it considers necessary for the efficient functioning of the Authority under this Act.

(4) The qualifications and experience, salary and allowances payable to and other terms and conditions of services of officers and staff of the Authority shall be such, as may be prescribed.

(5) The Authority shall follow such procedure for holding its meetings and the quorum for such meetings shall be such, as may be prescribed.

(6) The Authority shall have a Secretariat consisting of a Member Secretary and such number of officers, employees and establishments with such conditions of service, emoluments and perks, as may be prescribed or determined, from time to time, for the efficient functioning of the Authority.

Functions of  
the Authority.

**4.** (1) Subject to the guidelines issued by the Central Government under the provisions of this Act, the Authority shall formulate a comprehensive policy within one year of its constitution to achieve the objectives of this Act and perform such functions as may be necessary to ensure empowerment of women.

(2) Without prejudice to the provisions contained in sub-section (1), the functions of the Authority shall include but not limited to:—

(a) work out plans and formulate schemes for the overall welfare and rehabilitation of abandoned, disowned or distressed widows and single women covered under this Act and implement such measures in right earnest;

(b) provide funds to encourage micro credit for young women entrepreneurs;

(c) frame guidelines regarding mobile health care facilities and social security cover to the women agricultural labour to be followed by agricultural land owners;

(d) recommend to the appropriate Government on free legal aid to women;

(e) recommend to the appropriate Government the penalties to be imposed for harassment of domestic women workers;

(f) establish a separate Widow Welfare Board to collect data of widows and formulating rehabilitation schemes for them;

(g) provide guidelines to the appropriate Government for establishing all woman police stations, banks and courts at district levels within specific timelines;

(h) undertake, promote and publish studies relating to the importance of women empowerment;

(i) including in school curriculum the subject of creating awareness about women empowerment among general public; and

(j) recommend for setting up of such number of Women Employment Centres in every district as may be prescribed to provide assistance to women for employment or self-employment;

(k) frame guidelines to provide scholarships to girl students;

(l) recommend to the Central Government to prepare a special savings schemes for woman with higher rates of interest;

(m) recommend to the appropriate Government for formulating stringent regulations for private placement agencies and regulations for domestic workers; and

(n) undertake such other activities as may be prescribed by the Central Government.

(3) The Authority shall disseminate necessary knowledge and information collected, to the respective departments of the Central and the State Governments.

**5.** The Authority shall prepare once in every year, in such form and at such time as may be prescribed, an annual report giving the summary of its activities including schemes it has undertaken and recommended to the Central Government during the year and it shall contain statements of annual accounts of the Authority.

Annual Report.

**6.** The Central Government shall cause the annual Report and the audit report, together with a memorandum of action taken thereon of the Authority to be laid before each House of Parliament.

Annual Report and audit report to be laid before Parliament.

**7.** The Central Government, shall from time to time provide, after due appropriation made by Parliament by law in this behalf, requisite funds for carrying out the purposes of this Act.

Central Government to provide requisite funds.

**8.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government in consultation with the State Governments may make such order or give such direction not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of any difficulty:

Power to remove difficulty.

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

**9. (1)** The Central Government, in consultation with the State Governments, made by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

### STATEMENT OF OBJECTS AND REASONS

We are a nation of one hundred and thirty-two crores people out of which 64.3 crores are women. To emphasise the urgency and importance of women empowerment, the revered Swami Vivekananda said—‘There is no chance for the welfare of the world unless the condition of women is improved. It is not possible for a bird to fly on only one wing.....’ It is true that we have come a far way in these seven decades as a nation, in realising this dream where men and women are on equal footing given any social, economic or cultural indicator. But at the same time, it is an undeniable truth that it is a dream that is yet to be fully realised. While decades of policies, laws and welfare schemes have aimed at bridging this gap, we can still do a lot better as a society and a young country. An aim of constant improvement in the sphere of women empowerment should be at every citizen's heart. Only then will be in the right direction of realising our fullest potential as a country and an evolved society.

Purely economic indicator, which the Government very proudly cites to assert success, present a very fallacious picture. They often mask low gender inclusivity and pitiable state of social indicators for women that India suffers from. An encompassing policy which secures fundamentals like equitable proportion of women in the workforce as entrepreneurs, scientists, policy experts, healthcare workers and skilled labour force in factories should be the primary step. Gender quality and equity in the best educational institutions and skill development centres will further accelerate the achievement of this goal.

The creation of a Women (Development and Welfare) Authority to orchestrate policy changes that can pave way for empowerment in the truest sense is the need of the hour. The Authority shall devise special saving schemes for women in every household with higher rates of interest and annual bonuses if husband produces a non-alcoholic certificate from Government hospital. Special fund would be created to provide for micro credit to women entrepreneurs to set up their start-ups after education. Mobile health care facilities and social security cover would also be provided for agricultural labourers. It will regulate placements by organizing domestic workers under a newly formed body to safeguard their rights. A separate Widows Welfare Board is required to be set-up for maintaining data on widowed women in the country and to formulate subsistence schemes for the needy.

This need is also to create a conducive and just social and economic environment for the what of this country. We should realise that women must be the sole authority to choose what the best is for them. The Government shall uphold and create equality, liberty and freedom in every sphere of life whenever necessary. The constitution of an inclusive Authority specifically dedicated for effective implementation of the policies of women empowerment is also required.

Hence this Bill.

NEW DELHI;  
November 27, 2018

RAJEEV SATAV

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of the Women (Development and Welfare) Authority. It also provides for appointment of a Deputy Chairperson, members, officers and staffs to the Authority for its effective functioning. It further provides for a constitution of a Secretariat to the Authority. Clause 4 provides for the provision of funds to young entrepreneurs, and establishment of Window Welfare Board. Clause 7 makes it obligatory for the Central Government to provide requisite funds for carrying out the purposes of this Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about three thousand crore rupees per annum would involve from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees three hundred crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of normal character.

## BILL NO. 235 OF 2018

*A Bill to establish a Agricultural Workers Welfare Fund for the welfare and development of agricultural workers and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Short title  
extent and  
commencement.

**1.** (1) This Act may be called the Agricultural Workers Welfare Fund Act, 2018.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such a date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

**2.** In this Act, unless the context specifically mentions otherwise,—

(a) “agriculture” with all its grammatical variations and cognate expressions, includes floriculture, horticulture, sericulture, the raising of crops, grass or garden

produce, dairy farming, poultry farming, stock breeding, cutting of wood or grass, gathering of fruit, raising of man-made forest or rearing of seedlings or plants;

(b) "Fund" means the Agricultural Workers Welfare Fund constituted under section 3;

(c) "prescribed" means as dictated by the rules of this Act; and

(d) "workers" means workers engaged in any activity connected with agriculture.

**3. (1)** The Central Government shall, by notification in the Official Gazette constitute a Fund to be known as the Agricultural Workers Welfare Fund for carrying out the purposes of this Act.

(2) The Central Government and State Government shall contribute to the Fund in such ratios as may be prescribed.

(3) The Fund shall be administered by a Committee consisting of:—

(a) a Chairperson to be appointed by the Central Government having experience of at least ten years in the field of farmers welfare, agriculture or rural development;

(b) a Deputy Chairperson to be appointed by the Central Government having such qualification as may be prescribed;

(c) seven members of Parliament of whom four shall be from the House of the People and three from the Council of States to be nominated by the respective Presiding officers of the Houses and having a background in agriculture related activities;

(d) four members to be appointed by the Central Government to represent the Union Ministries of Agriculture and Farmers Welfare, Labour and Employment, Finance and Rural Development, respectively;

(e) four members to be appointed by the Central Government from amongst the agricultural workers covered under this Act; and

(f) four members to be nominated by the Governments of the States to be rotated amongst the States in alphabetical order.

(4) The Fund shall be utilized for the following purposes, namely:—

(i) payment of unemployment or sustenance allowance to agricultural workers during off season period;

(ii) free health facilities for the agricultural workers and their families in the hospitals to be set up for the purpose;

(iii) free educational facilities to the children of agricultural workers;

(iv) payment of compensation of workers who sustain injuries during work;

(v) payment of compensation to families of workers who die in harness;

(vi) payment of premium group life insurance cover of workers;

(vii) payment of disability allowance in case of accident on the workplace and are not able to work further;

(viii) payment of old age pension to those workers who have attained sixty years of age and are not gainfully employed;

(ix) provision of suitable facilities like canteen, health, recreation, water etc. at work places;

(x) payment of bonus to workers; and

(xi) payment of maternity benefit and establishment of creche facilities for the female agricultural workers covered under this Act.

(5) The Salary and allowances payable to, and other terms and conditions of service of Chairperson, Deputy Chairperson and other member of the Committee shall be such as may be prescribed.

Central  
Government  
to provide  
adequate  
Funds.

Act not in  
derogation of  
other law.

Power to  
make rules.

**4.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the Committee on Cultural Education for carrying out the purposes of this Act.

**5.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

**6. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

#### STATEMENT OF OBJECTS AND REASONS

The agricultural sector of the economy in India is the largest sector in terms of employment of the workforce. It consists of crop cultivation and other agricultural activities such as forestry, livestock and fishing. The workers in this sector may be broadly divided into wage workers, and farmers. Almost the entire agricultural sector (except the Plantation Sector) is unorganized *i.e.* it has neither any formal system of social security nor regulation of conditions of work.

According to estimates of the 2011 Census, there are close to 230 million people who are employed as agricultural workers in India. More and more firm workers are moving away from agriculture and this has been negatively affecting the country's productivity especially in crops which are labour intensive like Paddy, Wheat, Cotton, Sugarcane and Groundnut. Currently, the profession of agricultural labour is of 'all pain and no gain'. Across the country, monthly earnings have been found to be as low as INR 1000. This poor economic state is further worsened when coupled with the pitiable other hazardous conditions of these workers. Excessive working hours lead to poor health and low life expectancy across the profession. Accessibility towards basic healthcare and education as well as essential social security schemes is virtually nonexistent. The seasonal nature of this profession further adds to the woes of these citizens, who constitute the poorest 30% of the country who are left to fend for their lives during off-season without any money.

The agricultural workers in the Unorganised Sector face problems that arise out of deficiency or capability deprivation in terms of inadequate employment, low earnings, low health, etc., as well as of adversity in the absence of fall back mechanisms (safety net). These workers have limited or no formal social security cover which increases their vulnerability during times of illness, old age, unemployment and untimely death. The absence of social security mechanisms is a critical factor in downturns in the conditions of these households, many of whom are already very poor. It destroys the workers ability to contribute meaningfully, and to increasing production and productivity. It leads to disaffection increasing social costs, widespread crimes, and persistent ill health.

The changing nature of agricultural production — including the increased use of chemicals and machinery — is aggravating risks. This is particularly true in a number of developing countries where education, training and occupational safety and health services are largely inadequate. While there is a very long way to go in terms of establishing a satisfactory life for these workers, it is sad to say that even the bare minimum has not been done towards realising this very important goal.

The present Bill strives to constitute a Agricultural Workers Welfare Fund to establish through basic policy measures the rights that these workers deserve. It intend to cover agricultural workers, who are all agricultural wage workers not protected under the Plantations Labour Act, 1951 and marginal and small farmers. It also intends to provide a measure of social security to agricultural wage workers and marginal and small farmers in the unorganised sector.

Hence this Bill.

NEW DELHI;  
November 27, 2018.

RAJEEV SATAV

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the setting up of a Agricultural Workers Welfare fund and for the benefit of agricultural workers. It also provides for a Committee consisting of a Chairperson, Deputy Chairperson and other member for administration of the Fund. Clause 4 provides for the Central Government to provide adequate funds for carrying out the purposes of this Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees five hundred crore will be involved per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five hundred crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative powers is of normal character.

## BILL NO. 202 OF 2018

*A Bill to provide for payment of unemployment allowance till gainful employment is provided to eligible citizen and ensuring the Right to gainful employment and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

**1. (1)** This Act may be called the Unemployment Allowance Act, 2018.

Short title,  
extent and  
commencement.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

**2.** In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "Fund" means the National Youth Unemployment Assistance Fund constituted under section 4;

(c) "prescribed" means prescribed by rules made under the Act;

(d) "self-employment" means to work independently for one's clients or customers by setting up of own production or selling unit or establishment and not for any employer; and

(e) "unemployed citizen" means a citizen of India who has attained the age of eighteen years having no source of livelihood.

Right to gainful employment.

**3. (1)** Notwithstanding anything contained in any other law for the time being in force every unemployed citizen shall have the right to gainful employment.

(2) It shall be the duty of the appropriate Government to provide gainful employment opportunity to every unemployed citizen within its territorial jurisdiction.

(3) The gainful employment referred to in sub-section (1) shall be provided according to the age, educational qualifications and physical status of the unemployed citizen.

(4) For carrying out the purposes of this Act, it shall be the duty of the appropriate Government to generate adequate employment opportunities in the public sector, private sector, small scale industries, cottage and village industries, khadi and other weaving industries, food processing sector, self-employment opportunities, agriculture and other sectors.

(5) Notwithstanding anything contained in any other law for the time being in force, it shall be the duty of the appropriate Government to fill up all the vacant posts in the Ministries, Departments, Public Sector Enterprises and other Government agencies and organisations in a time bound manner.

Unemployed citizen.

**4.** Till such time gainful employment is provided to an unemployed citizen or provision is made for self employment under any Government scheme or by providing loan through a Bank or Financial Institution, every such citizen shall be paid by the appropriate Government an unemployment allowance, not being less than rupees twenty thousand per month in such manner as may be prescribed:

Provided that the unemployment allowance shall not be paid under this Act to an unemployed citizen who:—

(a) has an income from any source not being less than the amount of unemployment allowance fixed under this Act, or

(b) is covered under any existing scheme of unemployment allowance prevalent in a State or Union Territory, as the case may be:

Provided further that in case an unemployed citizen has an earning from any other source which is less than the amount of unemployment allowance fixed under this Act, his unemployment allowance shall be reduced by the amount of his earning.

Constitution of corpus fund for unemployment allowance.

**5. (1)** The Central Government shall, by notification in the Official Gazette, constitute a Fund for unemployment allowance with initial corpus of rupees sixty thousand crore and thereafter shall contribute to the fund, from time to time, along with the State Governments in such ratio as may be prescribed.

(2) There shall also be credited to the Fund such other sums as may be received by way of donation, contribution, assistance or otherwise from individuals, body corporate, financial institution, firms and partnership.

(3) The Fund shall be managed by the Central Government in such manner as may be prescribed.

**6.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds for carrying out the purposes of this Act.

Central  
Government  
to provide  
adequate fund.

**7.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty:

Power to  
remove  
difficulties.

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

**8.** The provisions of this Act and rules made there-under shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have  
overriding  
effect.

**9. (I)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to  
make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

### STATEMENT OF OBJECTS AND REASONS

India is projected to grow at eight per cent. *per annum* [Gross Domestic Product (GDP)] in the next two years and is the fastest growing major economy in the world. Jobless growth is an economic phenomenon in which an economy experiences growth while maintaining or decreasing its level of employment. The International Labour Organisation predicted that joblessness will increase from 17.7 million in 2016 to 18 million by 2018, even though the country's unemployment rate is expected to go down from 3.5 per cent. to 3.4 per cent.. The trend of significant gap between the pace of GDP growth and that of employment growth has given rise to the phenomenon of "jobless growth" in India.

As per the survey by Labour Bureau, country's unemployment rate has shot up to a five year high of five per cent. in 2015-16. This figure is significantly higher, at 8.7 per cent, for women as compared to 4.3 per cent. for men. Equally tragic is the mounting unemployment among educated youth. The growing unemployment among educated youth (age group 15 to 29 years) in recent years is an outcome of such slow growth rate of jobs. At the all-India level, the unemployment rate among youth with secondary education unemployment rate increased from 2.6 per cent. to 3.2 per cent. and for those with higher secondary education unemployment rate increased from 3.3 per cent. to 4.4 per cent. In case of youth with a graduate degree unemployment rate increased from 5.8 per cent. to 8.4 per cent. and with a postgraduate degree it rose from 5.7 per cent. to 8.5 per cent.

About seventy-seven per cent. of Indian households do not have a regular wage/salaried person. India has no dearth of quality human resources at its disposal. As a long term measure, there is a need to boost entrepreneurial instincts within the demographic base by substantially investing in human capital *via* education.

Another vital area needing policy intervention is the increasing gender-gap in the labour force participation. The shortage of jobs is compounded by depressed wages, with 82 per cent. of men and 92 per cent. of women earning less than Rs. 10,000 per month. The advantages of economic growth are futile if it is not able to create sufficient jobs in the economy. India has an advantage due to its demographic dividend. There is an urgent need to effectively implement policy measures to exploit the demographic dividend and ensure inclusive and sustainable growth which is not jobless.

The Bill therefore proposes to grant unemployment allowance through creation of a fund for unemployment allowance having a corpus of sixty thousand crore. The grant of unemployment allowance will help in curbing the increasing unemployment. The bill also seeks to make right to work compulsory by imposing an obligation on the Government to provide gainful employment.

Hence this Bill.

NEW DELHI;  
November 27, 2018.

RAJEEV SATAV

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for right to gainful employment to every unemployed citizen. Clause 4 provides for unemployment allowance to be paid to every unemployed citizen. Clause 5 provides for the constitution of the corpus Fund for payment of unemployment allowance. Clause 6 makes it mandatory for the Central Government to provide requisite funds for carrying out the purposes of the Bill. The Bill, therefore, if enacted will involve expenditure from the consolidated fund of India. At this stage it is not possible to estimate the expenditure. However, it is estimated that a sum of rupees sixty thousand crore in addition to rupees sixty thousand crore as initial corpus, will involve a recurring expenditure per annum from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of details only, the delegation of legislative power is of normal character.

**BILL No. 74 OF 2018**

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follow:—

Short title.

Amendment of  
the Eighth  
Schedule.

**1.** This Act may be called the Constitution (Amendment) Act, 2018.

**2.** In the Eighth Schedule to the Constitution, existing entries 5 to 22 shall be renumbered as entries 6 to 23, respectively and before entry 6 as so renumbered, the following entry shall be inserted, namely:—

“5. Gondi”.

#### STATEMENT OF OBJECTS AND REASONS

Our Country is a multilingual country. At present twenty-two languages being spoken and written by our citizens have only been recognised in the Eighth Schedule to the Constitution of India. These languages represent the culture of a specific region. A person learns most of the things through his mother tongue only. Language is the light of knowledge. But it is unfortunate that despite the fact that crores of people in the States of Madhya Pradesh, Uttar Pradesh, Chhattisgarh, Telangana, West Bengal, Jharkhand, Bihar and Vidarbha region of Maharashtra along with tribal community use the 'Gondi' language, yet it is not included in Eight Schedule to the Constitution so far. Gondi Language is struggling hard to maintain its existence and dignity.

The glory of a society or country is established by the language in which its literature is written. If we go through the history of Gondi language, we are able to know that the Gondi Community has its own history of almost fifteen hundred years which is the oldest one worldwide. In nutshell, Gondi language and its dialect is in vogue since 12-13 BC and being used in written and conversation form, respectively. Even rockediet, vision letters, certificates and royal orders were prepared in Gondi language. Gondi language has a special contribution in the development of Indian literature, history and way of life. Apart from abundant literature, Gondi language is the voice of expression for our glorious culture. Gondi language is the monther tongue of Gondi area that spreads over a vast territory of the States of Madhya Pradesh, Uttar Pradesh, Chhattisgarh, Vidarbha area of Maharashtra, West Bengal Jharkhand and Bihar. The total number of people speaking Gondi language in the area of thousands of square kilometres in most of the districts of frontier States is approximately six crores. Many times, demand for inclusion of Gondi language in Eighth Schedule to the Constitution has been raised by ordinary people, Gond people of the aforesaid States and even public representatives have been raising this demand. Therefore, keeping in view the emotions of people speaking Gondi language in different areas of different States covered by gondwana region, Gondi language should be included in the Eighth Schedule to the Constitution.

Inclusion of Gondi language in the Eighth Schedule to the Constitution would not only conserve and save Gondi language but also preserve and encourage folk dances, folk songs, folk traditions, nature worship and other cultural heritage.

Hence this Bill.

NEW DELHI;  
February 8, 2018

FAGGAN SINGH KULASTE

**BILL NO. 52 OF 2018**

*A Bill further to amend the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967.*

Be it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Short title and commencement.

**1. (1)** This Act may be called the Constitution (Scheduled Castes and Scheduled Tribes) Orders (Amendment) Act, 2018.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2.** In the Schedule to the Constitution (Scheduled Castes) Order, 1950, in PART XVIII.—*Uttar Pradesh*, entry 36 shall be omitted. C.O. 19.

Amendment of the Constitution (Scheduled Castes) Order, 1950.

**3.** In the Schedule to the Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967, in entry 6, the brackets and words "(in the district of Mehrajganj, Sidharth Nagar, Basti, Gorakhpur, Deoria, Mau, Azamgarh, Jaunpur, Ballia, Ghazipur, Varanasi, Mirzapur and Sonbhadra)" shall be omitted. C.O. 78.

Amendment of the Constitution (Scheduled Tribes) Uttar Pradesh Order, 1950.

#### STATEMENT OF OBJECTS AND REASONS

The "Gond" community has been included in the lists of both the Scheduled Castes and the Scheduled Tribes in relation to the State of Uttar Pradesh. While the persons belonging to Gond Community residing in certain districts like Mehrajganj, Sidharth Nagar, Basti, Deoria and Mau of the State of Uttar Pradesh are being treated as the Scheduled Tribes, the persons belonging to this community residing in other districts are being treated as the Scheduled Castes. Initially, the persons belonging to the Gond and other sub-tribes were treated as the Scheduled Castes but later on Gond along with Dhuria, Nayak, Ojha, Pathari, Raj Gond have been included in the list of the Scheduled Tribes in relation to certain districts of the State of Uttar Pradesh.

There have been constant demands from the persons belonging to the Gond and other sub-tribes for exclusion of their names from the list of the Scheduled Castes and inclusion in the list of the Scheduled Tribes so that they can enjoy benefits of reservation and other facilities as the Scheduled Tribes throughout the State of Uttar Pradesh without any restriction of residence in the State of Uttar Pradesh.

In view of the long pending demand, it would be proper that persons belonging to Gond and other sub-tribes are given status of the Scheduled Tribes throughout the State.

The Bill, therefore, seeks to amend the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967 with a view to remove anomaly in the aforesaid orders and giving the status of the Scheduled Tribe to the persons belonging to Gond, Dhuria, Nayak, Ojha, Pathari and Raj Gond tribes throughout the State of Uttar Pradesh.

NEW DELHI;  
*February 8, 2018.*

FAGGAN SINGH KULASTE

**FINANCIAL MEMORANDUM**

Clause 2 of the Bill seeks to include 'Gond' and its sub-tribes in the list of Scheduled Tribes in respect of the State of Uttar Pradesh. The Bill, therefore, if enacted, would involve additional recurring expenditure from the Consolidated Fund of India on account of benefits to be provided to the persons belonging to this tribe under the ongoing Central Schemes meant for development of the Scheduled Tribes. At this stage, it is not possible to give the exact amount to be incurred on this account. However, it is expected that a recurring expenditure of about rupees one hundred crore will be involved annually.

No non-recurring expenditure will be involved.

## BILL NO. 190 OF 2018

*A Bill to provide for the prevention of violence against doctors, medical professionals and medical institutions and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

**1. (1)** This Act may be called the Prevention of Violence Against Doctors, Medical Professionals and Medical Institutions Act, 2018. Short title and commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

**2.** In this Act, unless the context otherwise requires,—

(a) “doctor” means a person who is qualified in modern allopathic medicine and surgery or allied procedure (radiology, physiotherapy, psychology, occupational therapy, diet and nutrition) along with that of practitioners of Homeopathy, Ayurveda, Unani system of medicine, Yoga and naturopathy, Siddha or any other form of treatment as recognized by the Medical Council of India, Dental Council of India, Ministry of Health and Family Welfare, Ministry of Ayush, College of Physicians and Surgeons or any other recognized body by the Government of India and also those in possession of a recognized degree or professional qualification sought overseas to Indian soil to treat people who are sick or come to him for any form of service, advice or consultation;

(b) “medical professionals” means all those people who practice or profess services associated to medical profession including those of nurses, radiologists, technicians, medical social workers, pharmacists, medical administrators, para-medical staff and practitioners including those seeking or imparting medical education, as the case may be;

(c) “medical institutions” means all institutions involved in discharge of medical or corresponding services including government or private hospitals, teaching institutes, primary health centres, dispensaries, pharmacies, radiology or imaging centres, casualty and trauma care centres, health and wellness centres, management and consulting centres, pharmacy, mobile medicare units, e-medicine and tele-medicine centres;

(d) “offenders” means a person who either by himself or as a member or leader of a group of persons or organization commits or attempts to commit, abet, provoke or incite the commission of violence under this Act;

(e) “property” means any property movable or immovable, medical equipment or machinery; owned by or in possession of or under the, control of any doctor, medical professional or medical institution;

(f) “violence” means an act which causes or may cause any harm, injury or endanger of the life of or intimidation, obstruction or hindrance to any doctor or medical professional in discharge of his duties, or causes to be the reason for any damage or loss to the property or reputation (inordinately) of a doctor, medical professional or a medical institution;

(g) “witness” means an observer, on-looker, spectator or any other person ordinarily present at ‘*locus-delicti*’ irrespective of his affinity to the doctor, medical professional or the medical institution in question; and suffers any loss or damage by virtue of his presence at the place of offence; and

(h) “prescribed” means prescribed by rules made under this Act.

Prohibition of violence.

**3.** Any act of violence against a doctor, medical professional or medical institution shall be prohibited and mitigated at all levels.

Cognizance of offence.

**4.** Any offence committed under this Act shall be cognizable and non-bailable and triable by the Court of Judicial Magistrate of the First Class.

Penalty and compensation.

**5.** (1) Whoever, commits or attempts to commit or abets or incites the commission of any act of violence in infringement of the provisions of section 3, shall be punished with imprisonment which shall not be less than six months but which may extend upto five years and with fine which shall not be less than rupees five thousand but which may extend upto rupees five lakh in addendum to recovery of the entire damage to the property or belonging of all concerned including the witnesses if any; in actual.

(2) If the accused does not pay or is financially incompetent to pay the penalty at that time it shall be recovered as if it were an arrear of land revenue and any property belonging

to his immediate relatives (as per the existing provisions of the Indian Penal Code 1860), may be attached in recovery of the said penalty.

**6.** It shall be the responsibility of every doctor, medical professional or medical institutions, as the case may be, before start of any treatment or procedure to make an explanatory note containing:—

- (a) the present medical condition of the patient;
- (b) expected procedures and treatment;
- (c) possible outcome;
- (d) expected time to be taken for recovery;
- (e) chances of failure of the prescribed procedures; and

(f) expected expense per unit of medication, procedure, treatment and service pertaining details as applicable, to be provided with, and categorically explained to the patient in person or his nearest kin, attendant or escort, as the case may be and a confirmation of understanding either in writing or a verbatim ascent in front of minimum two attesters shall also be obtained:

Provided that such explanatory note does not limit the doctor or the medical professional to cater to any emergency or trauma case without obtaining the patient's or his relative's ascent and the medical professional shall listen to the call of the duty first and the explanation may be made at a later stage as early as convenient to both the parties.

**7.(1)** The Central Government shall, by notification in the Official Gazette, in order to provide able and timely assistance to the victims of medical negligence or mismanagement, establish a District Wise Committee or for the area as may be specified in such notification to hear appeals and grievances of the victims of medical negligence or mismanagement and to aid and advice such victims for taking recourse to an appropriate forum for a suitable relief and at its own cost:

Provided that the maximum time to provide for a suitable relief to the parties shall not exceed four sittings and one month.

(2) Notwithstanding anything prescribed in this Act, the deliberations made hereto may be held by a court of law of competent jurisdiction within the territories of the Union of India.

(3) The Committee established under sub-section (1) shall consist of experts one each from the field of medicine, law, consumer movement, health management and human rights and shall be chaired by the Member of Parliament of the respective constituency.

(4) Any appeals, arguments or rebuttals presented to this effect by either of the parties shall be kept transparent and open for media and public scrutiny without any prejudices.

(5) The salary and allowances payable to and other terms and conditions of service of experts mentioned in the sub-section (3), and the procedure to be followed by the committee shall be such as may be prescribed.

**8.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide, from time to time, adequate funds for carrying out the purpose of this Act.

**9.(1)** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may by order published in the official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of a period to two years from the commencement of this Act.

Explanatory Note.

Cases of medical negligence.

Central Government to provide funds.

Power to remove difficulties.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Act to have overriding effect.

**10.** The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to supplement other laws.

**11.** The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to make rules.

**12.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

#### STATEMENT OF OBJECTS AND REASONS

India is the second most populous country in the world with a little over 1.36 billion people. It is a home to almost eighteen per cent. of the world population with the surface area share of just two per cent. (of the world). It being a developing economy, increased urbanization rapid deforestation, little or no check on pollution levels, it's geographical position (making it more prone to tropical diseases) coupled with equally dense population; it is buy natural, that the health condition of this country could not be the best. Rising cost of health & care services and shortage of enough doctors and medical centres makes the problem all the more gruesome. On an average, this country has 1 doctor to every 1700 patients. This is a national average and the condition is even worse in rural areas. No wonder why; seldom; the sudden impulse of revenge from his miseries is outpoured on a doctor in its entirety by an ignorant common man.

Over seventy-five per cent. of doctors across country are reported to have faced at-least some form of violence. The cases of violence against doctors by kins or attendants of patients has become a serious problem off-late compelling many doctors and medical professionals to go out on stike for days seeking security of themselves and their belongings. Some studies have shown that doctors face maximum violence when providing emergency services with close to forty-nine per cent of such incidences reported from ICUs or after a patient had undergone surgery. Reasons attributed to this violence range from variety of issues including prescription of unnecessary investigations, delayed and unsatisfactory approach of a doctor in attending the patients, medical bills far higher than the estimated expense, request of advance payments to withholding a deceased body until settlement of final billing and many more. Broadly speaking a common factor attributing to strife between doctors, medical institutions and the patients in alomost all cases is the lack of transparency and trust with respect to the procedures and pricing.

Doctors are care givers, the most-noble profession and have been deemed next to God from times immemorial. It is only in recent times that the assault on doctors and vandalisation of medicals institutes has started gaining prominence. Ever increasing prices of drugs, equipments, consumables etc.; availability of substandard and unresearched information at the finger tip; declining personal connect of a doctor with his patient; would to mouth feedback platforms without enough medical justification and many more have all contributed their bit in creating a disaccord between a Doctor-Patient relationship. Absence of a stringent Union Law with appropriate provisions and punishments for the offenders has also contributed severely in furthering the number of cases of violence against doctors, medical professionals and medical institutions. Need for a harmonious, transparent and trustworthy relationship between a doctor and his patient is the most-dire need of this country more-so because of the already meager number of doctors and care givers that we have at present.

The Bill, therefore, seeks to provide for the prevention of violence against doctors, medical professionals and medical institutions in the most amicable manner.

The Bill seeks to achieve the above objectives.

NEW DELHI;  
November 27, 2018.

SHRIKANTEKNATH SHINDE

#### FINANCIAL MEMORANDUM

Clause 7 of the Bill provides for establishment of district-wise Committee to provide timely assistance to the victims of medical negligence. Clause 8 provides that the Central Government shall, after due appropriation made by Parliament by law in this behalf, provide, from time to time, adequate funds for carrying out the purpose of this Act. The Bill, therefore, if enacted and brought into operation, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees fifty crore of recurring expenditure per annum would involve from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL No. 107 OF 2018

*A Bill to establish a Women Empowerment and Welfare Authority to provide for monthly incentive schemes for girl child to delay marriage until age of twenty one years, special saving schemes for women with higher rate of interests inclusive of annual bonus if husband is non-alcoholic, special fund for micro credit schemes, guidelines for mobile healthcare facilities for agricultural labour, regulation of private placement agencies, schemes for widows and for all matters connected therewith and incidental thereto.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

**1. (1)** This Act may be called the Women (Empowerment and Welfare) Act, 2018.

Short title,  
extent and  
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

**2.** In this Act, unless the context otherwise requires,—

Definitions.

(a) "annual report" means a report giving the details of developmental activities

taken up over the year by the authority and detailing about targets set and achieved;

(b) "appropriate Government" means in the case of a State or a Union territory having legislature, the concerned State Government or the Union territory Government, as the case may be, and in all other cases, the Central Government.

(c) "Authority" means the Women Empowerment and Welfare Authority established under section 3;

(d) "domestic worker" means a woman employed to do work in or for a private household(s) which includes cooking, cleaning, gardening, childcare, and old-age care.

(e) "health certificate" means a certificate of non-alcoholic issued by a competent physician to a person.

(f) "placement agency" means any agency or contractor, whether registered or otherwise, engaged in the placement of domestic workers with prospective employers.

(g) "prescribed" means prescribed by the rules made under this Act; and

(h) "small family" means family having not more than two living children.

**3.(1)** With effect from such date as the Central Government may, by notification, appoint, there shall be constituted, for the purposes of this Act, an Authority, to be known as the Women Empowerment and Welfare Authority consisting of—

(a) Union Minister, Ministry of Women and Child Development —ex officio Chairperson;

(b) Chairperson, National Commission for Women—ex officio Member;

(c) Secretaries of the Union Ministries of (i) Women and Child Development, (ii) Health and Family Welfare and (iii) Statistics and Programme Implementation—ex officio Members;

(d) Director General of Health Services, Ministry of Health and Family Welfare—ex officio Member; and

(e) Director, National Institute of Health and Family Welfare—ex officio Member.

(2) The Central Government shall appoint such number of officers and staff as it considers necessary for the efficient functioning of the Authority under this Act.

(3) The salary and allowances payable to and other terms and conditions of services of officers and staff of the Authority shall be such as may be prescribed.

**4. (1)** The Authority shall meet at such intervals and places and shall observe such rules of procedure in regard to transaction of business at its meetings as may be prescribed by the Central Government.

(2) The expenditure incurred to attend meetings by the Members referred to in sub-clauses (a) to (e) of section 3, shall be borne by their concerned department or authority.

**5. (1)** Subject to any guidelines issued by the Central Government under the provisions of this Act, the Authority shall perform and undertake such functions as may be necessary to ensure empowerment of women in the country and shall formulate

Constitution of  
Women  
Empowerment  
and Welfare  
Authority.

Meetings of  
the Authority.

Functions of  
the Authority.

above the age of eighteen years and their families within one year of setting up of the Authority;

(b) formulate a monthly incentive scheme to provide for regular income to families having unmarried girl child upto the age of twenty one years;

(c) recommend to the Central Government to prepare a special savings scheme for women with higher rates of interest;

(d) formulate a special bonus scheme for families where the husband obtains health certificate;

(e) provide for funds to encourage micro credit for young women entrepreneurs;

(f) frame guidelines for agricultural land owners to provide for mobile healthcare facilities and social security cover for the women agricultural labour;

(g) recommend to the appropriate Government for formulating stringent regulations for private placement agencies and regulations for domestic workers;

(h) recommend to the appropriate Government for penalties for harassment of domestic workers;

(i) establish a separate widow welfare board to look into collecting data on widowed woman and formulating rehabilitation schemes for widow women;

(j) provide guidelines to the appropriate Government for establishing all women police stations, banks and courts as district levels within specific timelines;

(k) undertake, promote and publish studies relating to the importance of women empowerment;

(l) frame syllabus for including awareness about woman empowerment in school curriculum; and

(m) undertake such other activities as may be prescribed by the Central Government.

(3) The Authority shall disseminate necessary knowledge and information collected, to the respective departments of the appropriate Government.

**6. (1)** The Authority shall prepare once in every year, in such form and at such time as may be prescribed, an Annual Report giving the summary of its activities, including schemes it has undertaken and recommended to the Government during the year and it shall contain statements of Annual Accounts of the Authority.

Annual report and its laying before the Parliament.

(2) A copy of the report shall be forwarded to the Central Government, and the Central Government shall cause the report to be laid before each House of Parliament.

7. The Central Government shall, from time to time provide, after due appropriation made by Parliament by law in this behalf, requisite funds for carrying out the purposes of this Act.

Central Government to provide funds.

**8.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government in consultation with the State Governments may make such order or give such direction not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of any difficulty:

Power to remove difficulty.

Provided that no such order shall be made after the expiry of three years from the date of commencement of this Act.

Power to make rules.

**9. (1)** The Central Government may, in consultation with the State Governments, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which

may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

#### STATEMENT OF OBJECTS AND REASONS

'There is no chance for the welfare of the world unless the condition of women is improved. It is not possible for a bird to fly on only one wing.' This was said by Swami Vivekananda when he was asked about welfare of women. Out of the 125 crore citizens of this country, 65.2 crores are women. The sex ratio is 945 females per 1000 males. Though targeted welfare schemes, taken up by the Government over the past five decades for women have resulted in better livelihood for them, still there is a lot more to be achieved. Literacy rates among women in India is still lagging and the numbers relating to women in the workforce is abysmal. Though our Constitution envisages to provide for equal means of livelihood and equal pay for men and women, it is still a distant dream.

We pride ourselves as a country, with regard to our economic growth but this growth remains a façade, masking our low social indicators. Women should be key players for this change to happen. Policy which aims at bringing higher proportion of women into the workforce, as teachers, health care workers and skilled labour force in factories should be the first stepping stone towards this. Providing them with the weapon of education will give them this much required freedom.

This Bill proposes to create a Women Empowerment and Welfare Authority to carry out major policy changes and provide for the necessary guidelines. This Authority will *inter alia* bring in monthly incentive schemes for families of girl children who have not been married until the age of twenty one. Also, special saving schemes shall be introduced for woman in every household with higher rates of interest and annual bonuses if husband produces a non-alcoholic certificate from Government hospital. Special fund would be created to provide for micro credit to women entrepreneurs who plan on start-ups just after their college education. Mobile health care facilities and social security cover would also be provided for agricultural labour working in their lands. It will regulate placement of agency and also organizing domestic workers under a newly formed body to safeguard their rights. A separate widows welfare arm proposed to be created to provide for maintaining data on widowed women in the country and to provide for a subsistence allowance to the needy.

This Bill, shall endeavour to create a positive and just social and economic environment for the women of this country. Women must be put in a position to solve their own problems in their own ways. The State must endeavour to take that extra effort to provide for the equal platform. This is what this Bill envisions, to offer the required momentum to kick start this process. Our country's journey to regain the status of '*Vishwa Guru*' will become a reality only if the womenfolk of this great nation lead the way.

Hence this Bill.

NEW DELHI;  
January, 18, 2018.

BHAIRON PRASAD MISHRA

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of the Women Empowerment and Welfare Authority and appointment of officers and staffs for its functioning. Clause 7 makes it obligatory for the Central Government to provide requisite funds for carrying out the purposes of this Bill. The Bill, therefore, if enacted, will involve recurring expenditure of five thousand crore rupees per annum from the Consolidated Fund of India. A non-recurring expenditure to the tune of rupees two hundred crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 160 OF 2018

*A Bill to establish an Urban Areas Equitable Development Authority to provide for clean and hygienic maintenance of environment and public spaces, resettlement of persons living in slums in decent housing facilities, issuing guidelines for employment of persons in slums in the reconstruction activities, facilitating system of self policing among citizens, proper underground drainage and sewerage network, dedicated paths for pedestrians and cyclists, formulate policies for subsidising cycles and promoting eco-friendly transport, creation of community markets for hawkers, issuing licenses to hawkers, providing for minimum standards to be maintained by private hostels and paying guest accommodations and recommending their compulsory registration, framing guidelines for ensuring equal redistribution of economic and work opportunities in urban areas and for all matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

**1. (1)** This Act may be called the Urban Areas (Equitable Development and Regulation) Act, 2018.

Short title,  
extent and  
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

**2.** In this Act, unless the context otherwise requires,—

Definitions.

(a) “annual report” means a report giving the details of developmental activities taken up over a year by the Authority and detailing about targets set and achieved;

(b) "appropriate Government" means in the case of a State or a Union Territory having legislature, the concerned State Government or the Union Territory Government, as the case may be, and in all other cases, the Central Government;

(c) "authority" means the Urban Areas Equitable Development Authority established under section 3;

(d) "community house" means resting areas for the homeless with aim of providing shelter, food and water, either run by the appropriate Government or in Public-Private Partnership mode;

(e) "cycle lane" means lane along major roads dedicated to bicycles;

(f) "hawker" means seller of unregistered or informal units set up along the roads, on pavements, footpaths;

(g) "pavement" means elevated platform along both sides of the road for pedestrians;

(h) "prescribed" means prescribed by the rules made under this Act;

(i) "private hostel or paying guest accommodation" means facility providing accommodation and/or food to non-local students, working professionals and run by private individuals;

(j) "slum" means places of residence in urban areas with little living space, without proper ventilation, basic drinking water and sanitation facilities, often described as not fit for human habitation; and

(k) "urban agglomerations" means urban areas constituting a town and its adjoining outgrowths.

**3. (1)** With effect from such date as the Central Government may, by notification in the Official Gazette appoint, there shall be constituted, an Authority, to be known as the Urban Areas Equitable Development Authority.

(2) The Authority shall consist of—

(a) Minister of State, Ministry of Housing and Urban Affairs — *ex-officio* Chairperson;

(b) Director General, Central Public Works Department (CPWD), Ministry of Housing and Urban Affairs — *ex-officio* Vice-Chairperson;

(c) Secretaries of the Union Ministries of Housing and Urban Affairs and Statistics and Programme Implementation — *ex-officio* Members;

(d) Chairperson, Housing and Urban Development Corporation Limited (HUDCO) — *ex-officio* Member;

(e) Director, National Institute of Urban Affairs — *ex-officio* Member.

(3) The Central Government shall appoint such number of officers and staff as it considers necessary for the functioning of the Authority.

(4) The salary, allowances and terms of conditions of services of officers and staff of the Authority shall be such, as may be prescribed.

**4. (1)** The Authority shall meet at such times and places and shall observe such rules of procedure in regard to transaction of business at its meetings as may be prescribed by the Central Government.

(2) The expenditure incurred by the Members referred to in sub-clauses (a) to (e) of section 3 to attend the meetings of the Authority shall be borne by the Ministry or department or authority concerned.

**5. (1)** The Authority shall discharge such functions as may be necessary to ensure overall and equitable development of urban areas in the country and formulate

a comprehensive policy within one year of setting up of the Authority to be put in action to achieve this objective.

(2) Without prejudice to the provisions contained in sub-section (1), the functions of the Authority shall include to:—

(a) undertake a baseline study to collect comprehensive data about the dwelling conditions in slums, extent of coverage of underground sewerage system, surplus land under various Ministries of the Central Government. The condition of pavements and cycle lanes, hawkers, status of migration into urban agglomerations and private hostels and paying guest accommodations which shall be completed within one year of setting up of the Authority;

(b) formulate framework for re-construction of decent housing facilities for citizens residing in slums and resettlement of people therein which shall include to,—

(i) recommend to the Central Government of the land pooling of surplus lands with various Ministries, for the purpose of constructing houses for residents of slums;

(ii) recommend to the Central Government to include re-construction of dwelling areas in slums under the Mahatma Gandhi National Rural Employment Guarantee Act, 2005;

(iii) issue guidelines to the appropriate Government for re-construction of houses in slums; and

(iv) issue guidelines to the State Governments to employ the unemployed residents of the slum in the construction of houses for them;

(c) formulate guidelines for the construction of community houses for homeless destitutes in urban areas;

(d) recommend measures to the appropriate Government for prohibiting littering on roads and public spaces, including—

(i) development of the system of self policing by citizen volunteers for maintenance of clean and hygienic environment; and

(ii) determining of increased fine of upto five thousand rupees for littering;

(e) recommend to the State Governments to recognise a unit as a municipality, only if more than ninety-five percent of the households are connected with underground sewerage network, which shall include to,—

(i) establish framework for construction of underground sewerage work; and

(ii) assist the State Governments in undertaking the construction of underground drainage system;

(f) provide guidelines to the Central Government for improving the condition of pavements for pedestrians which shall include to,—

(i) recommend to the Central Government of the minimum size of the footpath, on all major roads with traffic; and

(ii) issue guidelines to the State Governments regarding maintenance of the footpaths and pavements;

(g) recommend to the Central Government for compulsory lanes for cycles on all major roads with traffic and National Highways, which shall include to,—

(i) formulate scheme of providing subsidy to customers for cycle purchase; and

- (ii) frame guidelines for the State Governments to promote eco-friendly means of transport;
- (h) establish policy guidelines for construction of community markets for hawkers in urban areas, which shall include to,—
  - (i) frame guidelines for the appropriate Government for resettlement of hawkers in metro stations and subways;
  - (ii) issue guidelines to the State Government regarding compulsory licensing of the hawkers; and
  - (iii) formulate guidelines to the State Governments for checking the harassment of hawkers by Police and other authorities;
- (i) recommend to the Central Government regarding regulating the private hostels and paying guest accommodations in urban areas, which shall include to,—
  - (i) prescribe minimum standards for basic amenities like food, rent chargeable, area of living space, along with any other safety specifications it may see fit; and
  - (ii) formulate procedure for compulsory registration of private hostels and paying guest accommodations in urban areas;
- (j) formulate framework for equal distribution of work opportunities between different urban centres, which shall include to,—
  - (i) provide guidelines to the State Governments for disincentivising companies and imposing fee on the companies which set up their office in tier I cities;
  - (ii) provide guidelines to the State Governments for incentivising the employee to work in towns (with less than 10 lakh population) *vis-a-vis* cities; and
  - (iii) develop Hardship Index, whose value on a scale from 1 to 100 will rank the urban areas of the country, based on set of predetermined criteria including—distance of the urban area from the sea, climate and geographical accessibility of the area by flights and other means of transport, and other criteria as may be prescribed by Authority; and
- (k) recommend to the Central Government any other activity related to urban development; and
- (l) undertake such other activities as may be prescribed by the Central Government.

(3) The Authority shall disseminate any necessary knowledge and information collected, to the respective departments of the State Governments.

**6. (1)** The Authority shall prepare once every year, as may be prescribed, an annual report giving the summary of its activities, including schemes it has undertaken and recommended to the Government during the previous year and it shall contain statements of annual accounts of the Authority.

(2) A copy of the report shall be forwarded to the Central Government, and the Central Government shall cause the report to be laid before each House of Parliament as soon as it is received.

**7.** The Central Government shall, from time to time, provide, after due appropriation made by Parliament by law in this behalf, requisite funds for carrying out the purposes of this Act.

**8.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government, in consultation with the State Governments, may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of any difficulty.

Power to remove difficulty.

**9. (1)** The Central Government may, in consultation with the State Governments, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this section, shall be laid, as soon as may be after it is made, before the Parliament while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following, the Parliament makes any modification in the rule or decides that the rules should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

### STATEMENT OF OBJECTS AND REASONS

In the last fifteen years, India underwent rapid urbanization. Urban population in India grew by 2.76 per cent. per annum during 2001-11 to an estimate of 377.1 million. The level of urbanization in the country as a whole, defined as the proportion of urban population to total population, increased from 27.82 per cent in 2001 to 31.14 per cent. in 2011. This migration from farm labour to industry, is mainly because of over employment in agriculture and lack of infrastructure related to education, health care in rural areas. Indian cities are not designed to handle this kind of population influx from villages. This has put pressure on urban facilities and services reflected in lack of dwelling facilities, clean and hygienic environment, proper drainage and sewerage networks, dedicated paths for pedestrians and cyclists, encroachment by hawkers among others rapid urbanization has resulted in lack of decent housing facilities, especially for the urban poor. High demand for the land in urban areas and the implied high prices of land has led to steady growth of slums and unplanned settlements. Presence of slums within urban areas, puts pressure on its civic services and impacts the overall urban service delivery. With a view to provide a permanent solution for the problem, the Bill constitutes an Authority for resettlement of the people dwelling in the slums in urban areas, which will utilise the surplus land of the Government to build houses for slum dwellers and other homeless persons.

To maintain clean and hygienic environment in urban areas, the Bill proposes prohibition of littering on roads and public spaces, through system of self-policing by the citizen volunteers. It also provides for compulsory underground sewerage network properly connecting all houses in a municipality. It also imposes stringent conditions to be imposed on the local bodies and a unit to be termed as a municipality only if it satisfies the above underground sewerage network.

The Bill formulates minimum size for footpaths, which must be made compulsory on all major roads with traffic, to address the poor condition of the pavements and absence of cycle lanes. The Bill also provides for dedicated lanes for cyclists, along all major roads and highways of the country and providing subsidy on cycle purchases to customers. To address the harassment faced by hawkers from the police and other authorities, the Bill directs the appropriate Government to issue licenses to these vendors, construct dedicated community markets for hawkers.

The cities are usually face an influx of migration of people searching for better education and job opportunities, increasing demand for hostels. The Bill proposes to regulate the private hostels by making their registration compulsory and prescribing minimum standards for basic amenities like quality of food, rent chargeable, area of living space etc. To ensure equal distribution of work opportunities among its citizens in cities and towns, the Bill imposes a fee on the companies setting up their branches in tier I cities. Such proposed fee will act as a disincentive for the companies and propel them to open more of their offices in tier II and tier III cities and towns. Such a scheme will work as an effective mechanism for redistribution of opportunities. To incentivise employee to work in these towns (with less than ten lakh population) *vis-a-vis* cities, the Bill proposes a Hardship Index whose value on a scale of 1 to 100 will rank the towns and regions of work, based on their relative appeal. Criteria for deciding such appeal of towns, will include distance of town from the sea, its overall weather condition, its accessibility by flight and other means of transport among others. And the salary of the employees will be calculated in proportion to this Index. Such provision will also help in augmenting the urban infrastructure in tier II and tier III cities and towns.

Finally, the Bill seeks the public expenditure on urban development. While revenue expenditure by the Government for urban development stood at a mere 8 per cent. of total expenditure, share of capital expenditure was even low at six per cent. in 2011-12. The Bill proposes that the Government must increase its expenditure on urban development and its allocation to the States.

The Bill endeavours to enable urban dwellers access to basic urban services of decent housing facilities, clean and hygienic environment and overall development of infrastructure in urban areas, as enshrined in the Directive Principles of State Policy in the Constitution.

Hence this Bill.

NEW DELHI;  
*January 18, 2018.*

BHAIRON PRASAD MISHRA

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of Urban Areas Equitable Development Authority and also appointment of such number of officers and staffs for its functioning. Clause 7 makes it mandatory for the Central Government to provide requisite funds for carrying out the purposes of this Bill. The Bill, therefore, if enacted, will involve recurring expenditure of five hundred crore rupees per annum from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees one hundred crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

## BILL No. 163 OF 2018

*A Bill to provide for establishment of a National Agricultural Policy Commission to formulate policies on improvement and development of agriculture in the country and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

**1. (1)** This Act may be called National Agricultural Policy Commission Act, 2018.

Short title and commencement.

(2) It shall come into force with immediate effect.

**2.** In this Act, unless the context otherwise requires,—

Definitions.

(a) "agriculture" includes horticulture, animal husbandry, forestry, dairy and poultry farming, pisciculture, and other allied activities, whether or not undertaken jointly with agriculture;

(b) "agricultural produce" includes paddy, wheat, coarse cereals, pulses, vegetables, fruits and flowers and such other agricultural produce as may be notified by the Central Government, from time to time;

(c) "Commission" means the National Agriculture Policy Commission constituted under section 3;

(d) "farmer" means any person who cultivates land or causes it to be cultivated for agricultural or horticultural purposes;

(e) "Fund" means the Agriculture Development Fund constituted under section 6; and

(f) "prescribed" means prescribed by rules made under this Act.

**3. (1)** The Central Government shall, by notification in the Official Gazette, establish a Commission to be known as the National Agriculture Policy Commission for carrying out the purposes of this Act.

(2) The Commission shall consist of—

(a) a Chairperson, having special knowledge in the field of agriculture; and

(b) four members including agricultural producers and experts in matters related to the agriculture and agricultural research,

to be appointed by the Central Government in such manner as may be prescribed.

(3) The Central Government shall provide such number of experts, officers and staff to Commission, as may be required for its efficient functioning.

(4) The salary and allowances payable to and other terms and conditions of service of the Chairperson, members, experts and officers and staff of the Commission shall be such as may be prescribed.

**4.** It shall be the responsibility of every State Government to furnish the following information to the Commission:—

(a) total area under agriculture under its jurisdiction;

(b) total production in agriculture;

(c) annual demand of agricultural products;

(d) potential for increase in export of agricultural products; and

(e) potential for establishment of industries based on agriculture.

**5. (1)** The Commission shall, on receipt of information from the State Governments under section 4, formulate such policies, as it may deem appropriate, for the development of agriculture in the country.

(2) Without prejudice to the generality of the foregoing provision, the policies shall include:—

(a) appointment of experts to study the situation of agriculture, from time to time;

(b) formulating measures to improve production and quality of agricultural produce by reducing the cost of agricultural inputs;

(c) taking steps related to storage and marketing of agricultural produce;

(d) undertaking study of capacity and weaknesses of farmers in agriculture;

(e) analysing the reasons for reduction in income from agriculture and suggestions for increasing the income of farmers;

Establishment  
of National  
Agriculture  
Policy  
Commission.

Responsibility  
of the State  
Government  
to furnish  
information to  
the  
Commission.

Functions of  
the  
Commission.

- (f) framing scheme to increase productivity, profitability and stability of agricultural systems in States;
- (g) suggestions to maximise the agricultural production with the use of available surface water and minimum use of underground water;
- (h) measures for prevention of crop damage due to climate change, maintain environmental balance and increase the soil fertility;
- (i) formulation of short-term and long-term policies for agricultural produce;
- (j) providing funds to States for establishment of industries based on agricultural products and development of agriculture; and
- (k) formulate such other policies, from time to time, as it may deem appropriate for carrying out the purposes of this Act.

**6.** The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Agriculture Development Fund for carrying out the purposes of this Act.

Constitution  
of the  
Agriculture  
Development  
Fund.

**7.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide necessary requisite Funds, from time to time, for carrying out the purposes of this Act.

Central  
Government  
to provide  
requisite funds.

**8.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have  
overriding  
effect.

**9. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purpose of this Act.

Power to  
make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule.

#### STATEMENT OF OBJECTS AND REASONS

Farmers and agriculture can survive only when farmers are given due priority and respect. Former Prime Minister Late Shri Lal Bahadur Shastri had given a slogan 'Jai Jawan Jai Kisan' to safeguard the interests of farmers and encourage sustainable practice of agriculture. However, the incidence of suicide by farmers and agricultural crisis are not less than any national disaster. Intensive agriculture based on high external grants has seriously affected our soil, water, biodiversity and climate. Therefore, concrete steps should be taken to make the livelihood of farmers stable, respectable and self-reliant.

After seventy years of independence there is a need for constituting a National Agriculture Policy Commission for the welfare of farmers to ensure income of farmers and minimize risks related to productivity so that farmers are not forced to leave farming. Resources like land, water, jungle, seed and knowledge are required to be protected. There is a need to review the agricultural policy based on increased consumption of water supply, energy and chemicals to reduce the cost of agriculture. Infrastructure development be encouraged at village level for storage, processing, marketing of agricultural produce through cooperative institutions so that farmers can prosper.

The Bill, therefore, seeks to establish a National Agriculture Policy Commission for improvement and development of agriculture and also to increase the productivity and quality of agricultural produce in the country.

The Bill seeks to achieve the above objectives.

NEW DELHI;  
*July 9, 2018.*

NIHAL CHAND CHAUHAN

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a National Agriculture Policy Commission. It also provides that the Central Government shall make available necessary experts, officers and staff for the efficient functioning of the Commission. Clause 6 provides for the constitution of an Agriculture Development Fund. Clause 7 provides that the Central Government shall provide requisite funds to the Commission for carrying out the provisions of this Act. The Bill, therefore, if enacted, is likely to involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees five hundred crore would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees hundred crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 165 OF 2018

*A Bill to provide an overarching national legal framework with principles for distribution, conservation, regulation and management of water as a vital and stressed natural resource, under which legislation and executive action on water at all levels of governance, as also water-use and water-related actions by persons and their associations, public and private institutions and bodies corporate of all kinds, may take place, and for matters connected therewith or incidental thereto;*

WHEREAS water is the common heritage of the people of India and is essential for the sustenance of life in all its forms; an integral part of the ecological system, sustaining and being sustained by it; a basic requirement for livelihoods; a cleaning agent; a necessary input for economic activity such as agriculture, industry, and commerce; a means of transportation; a means of recreation; an inseparable part of a people's landscape, society, history and culture; and in many cultures, a sacred substance, being venerated in some as a divinity;

AND WHEREAS the Directive Principles of State Policy direct the State to secure a social order for the promotion of welfare of the people and it is the duty of the State to raise the level of nutrition and the standard of living and to improve public health;

AND WHEREAS the United Nations in its resolution 64/292 adopted by the General Assembly on the 28th July, 2010 has recognized the human right to water and acknowledged that clean drinking water is essential to the realization of all human rights;

AND WHEREAS clean water and sanitation is also one of the United Nations sustainable development goals and India has committed to meeting the United Nations Sustainable Development Goals by the year 2030.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

## CHAPTER I

### PRELIMINARY

**1. (1)** This Act may be called the Water (Accessibility and Conservation) Act, 2018.

Short title,  
extent and  
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different States and different provisions of this Act.

**2. (1)** In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means—

(i) in the case of a State, the Government of that State;

(ii) in all other cases, the Central Government; and

(iii) includes institutions of local-self Government;

(b) "aquifer" means a geological formation, group of formations or part of a formation that is sufficiently porous and permeable to yield a significant quantity of water to a well or spring;

(c) "community" means a particular area or place considered together with its inhabitants;

(d) "differential pricing" means different pricing of water for different uses and for different classes of users depending on their use;

(e) "ecological integrity" means the natural condition of water and other resources sufficient to ensure proper integration of biological, chemical and physical aspects of the aquatic and terrestrial environment;

(f) "environmental flows" refers to the quality, quantity and timing of water flows required to maintain the components, functions, processes, and resilience of aquatic ecosystems that provide goods and services to people;

(g) "environmental pollution" shall have the same meaning as assigned to it under the Environmental Protection Act, 1986;

(h) "groundwater" means water occurring in its natural state, where it exists below the surface in the zone of saturation whereby it can be extracted through wells or any other means or emerges as springs and base flows in streams and rivers in its natural state as a common pool resource;

(i) "Institute" means the Water Standard Institute constituted under section 30;

(j) "kutcha" refers to houses made of mud and organic material and are susceptible to temperature changes;

(k) "local self-Government" means a Panchayat, Municipality or a Cantonment Board or any such authority by whatever name called;

(l) "National Commission" means the National Water Commission established under section 12;

(m) "participatory approach" refers to the active association and involvement of the primary stakeholders in policy-formulation, project-planning or implementation, or activity, scheme, programme, project or institutional arrangements of any kind;

(n) "participatory irrigation management" refers to the participation of irrigation users—the farmers—in the management of the irrigation system;

(o) "prescribed" means prescribed by rules made under this Act;

(p) "pucca" refers to houses made of concrete, stone, clay, tiles or metals;

(q) "rainwater harvesting" means capturing and conserving rainwater or retarding runoff through various structures either for the direct use of the stored waters or for recharging groundwater aquifers;

(r) "rural area" means any area in a State except those areas covered by any urban local body or a cantonment board established or constituted under any law for the time being in force;

(s) "State Commission" means the State Water Commission established under section 17;

(t) "State Government", in relation to a Union territory, means the Administrator thereof appointed under article 239 of the Constitution;

(u) "sustainable use" means the use of water that ensures continued availability for present and future generations, without depletion or deterioration or dysfunctionality and the continued healthy function of the related ecological system; and

(v) "Water User Association (WUA)" means a group of local water users, largely farmers, that pool together financial and operational resources for the maintenance of irrigation systems negotiate water prices with the service providers and collect user fees.

(2) Words and expressions used in this Act, but not defined, shall have the meaning assigned to them in any other law in this regard in force, as the case may be.

## CHAPTER II

### RIGHT TO WATER

Right to  
Water.

**3. (1)** Every person belonging to the eligible households shall be entitled to receive a minimum of thirty litres of water per day and access to public water sources to fulfill his basic domestic and personal needs.

(2) The appropriate Government shall ensure that no person is deprived of his right to get entitled quantity of water or access to water sources under sub-section (1) on the basis one's caste, creed, community or gender.

**4.** The appropriate Government shall ensure that adequate amount of water is provided to every educational and healthcare institutions to ensure their efficient

Availability  
of Adequate  
Water to  
Educational  
and  
Healthcare  
Institutions.

**5.** The appropriate Government shall promote restoration of water bodies under the Repair, Renovation and Restoration of Water Bodies scheme undertaken by the Ministry of Water Resources, River Development and Ganga Rejuvenation.

Appropriate Government to Promote Restoration of Water Bodies.

**6.** The appropriate Government may, for the purposes of section 3, engage any private agency to provide water to individuals as per their entitlements in such manner as may be prescribed.

Delegation of providing Water to a Private Agency.

*Explanation.*—For the removal of doubt it is hereby declared that—

(i) the right of persons to water and the duty of the state to provide the same shall remain in force;

(ii) the private agencies shall only be responsible for operation and maintenance and not for pricing of the water; and

(iii) the appropriate Government shall ensure that such a delegation of providing water to a private agency, in no event, constitute the privatization of water.

### CHAPTER III

#### PLANNING FOR WATER SECURITY

**7. (1)** The appropriate Government shall prepare and oversee the implementation of Water Security Plan based on the requirement and availability of water to ensure that safe and sufficient water is available to all even in times of droughts, floods and such other emergencies.

Water Security Plan.

(2) The Water Security Plan prepared under sub-section (1) shall, *inter alia* include:—

(a) incentives for promoting agro-climatic zoning and adoption of water-conserving technologies such as drip irrigation, terrace farming and sprinklers;

(b) restrictions on setting up of water-intensive industries in water stressed areas;

(c) setting up of groundwater recharge structures;

(d) community based sharing of both surface and groundwater;

(e) ensure conservative use of surface and groundwater for irrigation;

(f) measures to prevent the wastage of water;

(g) effective strategies attenuate drought, flood or other such conditions; and

(h) provisions of contingency Fund to meet expenditure of providing water in case of emergency such as floods or droughts.

(3) The Water Security Plan prepared under sub-section (1) shall be in addition to other water security related plans required under other laws or Government schemes.

(4) The Water Security Plan prepared under sub-section (1) shall be revised annually and as and when required taking into consideration the droughts, floods and such other emergencies.

### CHAPTER IV

#### MAINTENANCE AND CONSERVATION OF WATER DEPENDENT ECOSYSTEMS

**8. (1)** The appropriate Government shall, in a manner that is sustainable, equitable, transparent, accountable and participatory, strive to maintain and conserve rivers, water bodies, aquifers and wetlands recognized as water dependent ecosystems under their jurisdiction from over-use, depletion, abuse, pollution, contamination and degradation.

Maintenance and Conservation of Water Dependent Ecosystems.

- (2) For the purposes of maintenance and conservation of water dependent ecosystems under sub-section (1)—
- (a) there shall be minimum interference in existing natural river flows;
  - (b) river flood plains shall be protected from construction and other industrial activities causing harm to the ecosystem;
  - (c) where water dependent ecological systems have already been encroached on, efforts shall be made to stop further encroachment or interference and reverse the adverse impact already made, to the utmost extent possible;
  - (d) environmental flows adequate to preserve and protect a river basin as a hydrological and ecological system shall be maintained and be ensured that the low and high flow releases are proportional to the natural flow regime, including base flow contribution; and
  - (e) in the case of rivers regulated by dams, steps shall be taken to ensure better downstream flows.

## CHAPTER V

### WATER USE PRIORITISATION

Water use priority.

**9.** (1) The appropriate Government shall, while taking into account the requirement, availability and climatic conditions of the area, decide the priority on use of water to sustain water dependent ecosystems.

(2) The priority on the use of water under sub-section (1) shall be in the following order:—

- (a) meeting the right to life;
- (b) achieving food security and sanitation;
- (c) supporting sustainable livelihoods; and
- (d) requirement for functioning of industries.

## CHAPTER VI

### IDENTIFICATION OF ELIGIBLE HOUSEHOLDS

Identification of Eligible Households.

**10.** (1) The appropriate Government shall identify the eligible households under their jurisdiction with a view to ensure safe and sufficient availability of water.

(2) For the purposes of sub-section (1), the following shall be the eligibility conditions:—

- (a) at least one tap accessible to every household having running water for at least one continuous hour per day; and
- (b) at least one public source of water within a radius of one thousand meter from the residential accommodation and the collection time shall not exceed thirty minutes.

**11.** Every Water Management Centre set up under section 26 shall, for the purposes of sub-section (1) of section 10, divide the geographical area under its jurisdiction into rural and urban areas to identify the eligible households as follows:—

- (a) rural area households shall be entitled to receive water if the condition under clause (b) of sub-section (2) of section 10 is not fulfilled; and
- (b) *pucca* urban area households shall be entitled to receive water if the condition under clause (a) of sub-section (2) of section 10 is not fulfilled; and
- (c) *kutcha* urban area households shall be entitled to receive water if the condition under clause (b) of sub-section (2) of section 10 is not fulfilled.

Division of Rural and Urban Areas Eligible Households.

## CHAPTER VII

### NATIONAL WATER COMMISSION

**12. (1)** The Central Government shall, by notification in the Official Gazette, constitute a body to be known as the National Water Commission to perform the functions assigned to it under this Act.

(2) The headquarters of the National Commission shall be located in the National Capital Region.

(3) The National Commission shall consist of:—

- (a) a Chairperson;
- (b) five other Members; and
- (c) a member-secretary:

Provided that at least two persons of the National Commission whether Chairperson, member or member-secretary shall be women:

Provided further that least one person each of the National Commission whether Chairperson, member or member-secretary shall be the person belonging to the Scheduled Castes and the Scheduled Tribes.

(4) The Central Government shall make available to the National Commission such number of administrative and technical staff, as it may consider necessary for its efficient functioning.

(5) The salary and allowances payable to, method of appointment and other terms and conditions subject to which the Chairperson, members, member-secretary and other administrative and technical staff of the National Commission, shall be such as may be prescribed.

(6) The time, place and procedure of meetings of the National Commission (including the quorum at such meetings) and its powers, shall be such as may be prescribed.

**13.** The Chairperson, members and member-secretary shall be appointed from amongst persons—

- (a) who are or have been a member of All India Services or Indian Legal Service or any other civil services of the Union or holding a civil post under the Union having knowledge and experience in matters relating to water security, policy making and administration in the field of civil supplies, water security, health or any allied field;
- (b) of eminence in public life with wide knowledge and experience in water security, law, human rights, social service, management, nutrition, health, or public administration; or
- (c) who have a proven record of work relating to the improvement of the water management system and water security rights of the poor.

**14.** The Chairperson, member and member-secretary shall hold office for a term not exceeding five years from the date on which he enters upon his office and shall be eligible for reappointment:

Provided that no person shall hold office as the Chairperson, member or member-secretary after he has attained the age of sixty-five years.

**15.** The Central Government may remove from office the Chairperson, member and member-secretary who—

- (a) is, or at any time has been, adjudged as an insolvent; or
- (b) has become physically or mentally incapable of acting as a member; or
- (c) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

Constitution  
of the  
National  
Water  
Commission.

Qualification  
for the  
appointment  
of Chairper-  
son, member  
or member-  
secretary of  
the National  
Commission.

Term of  
Office of  
Chairperson,  
member or  
member-  
secretary of  
the National  
Commission.

Removal  
from Office  
of Chairper-  
son, member  
or member-  
secretary of  
the National  
Commission.

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member; or

(e) has so abused his position as to render his continuation in office detrimental to the public interest:

Provided that no such Chairperson, member or member-secretary shall be removed under clause (d) or (e) unless he has been given a reasonable opportunity of being heard in the matter.

Functions of  
the National  
Commission.

**16.** The National Commission shall undertake the following functions, namely:—

(a) monitor and evaluate the implementation of schemes under this Act;

(b) either *suo motu* or on receipt of complaint inquire into violations of entitlements provided under this Act;

(c) advise the Central Government in synergizing existing schemes and framing new schemes for the entitlements provided under this Act;

(d) recommend to the Central Government and the State Governments, steps for the effective implementation of water distribution and management related schemes, to enable persons to fully access their entitlements specified in this Act;

(e) issue requisite guidelines for training, capacity building and performance management of all persons charged with the duty of implementation of the schemes;

(f) consider the reports and recommendations of the State Commissions for inclusion in its annual report;

(g) hear appeals against the orders of the State Commission;

(h) prepare annual reports on implementation of this Act, which shall be laid before each House of Parliament by the Central Government;

(i) observe the performance of the State Governments in establishing legal frameworks to facilitate Participatory Irrigation Management (PIM); and

(j) assess the impact of their policies by evaluating broader socio-economic outcomes beyond just the infrastructure construction achievements.

## CHAPTER VIII

### STATE WATER COMMISSION

Constitution  
of State  
Water  
Commission.

**17.** (1) Every State Government may, by notification, constitute a State Water Commission for the purpose of monitoring and review of implementation of provisions of this Act:

Provided that two or more States may have a Joint State Water Commission for the purposes of this Act with the approval of the Central Government.

(2) The headquarters of the State Commission shall be at such place as may be notified by the State Government concerned.

(3) The State Commission shall consist of—

(a) a Chairperson;

(b) five other Members; and

(c) a member-secretary, who shall be an officer of the State Government not below the rank of Joint Secretary to the State Government:

Provided that at least two persons of the State Commission whether Chairperson, member or member-secretary shall be women:

Provided further at least one person each of the State Commission whether Chairperson, member or member-secretary shall be the person belonging to the Scheduled Castes or the Scheduled Tribes.

(4) The State Government concerned shall make available to the State Commission such number of administrative and technical staff, as it may consider necessary for its efficient functioning.

(5) The salary and allowances payable to, method of appointment and other terms and conditions subject to which the Chairperson, members, member-secretary and other administrative and technical staff of the State Commission, shall be such as may be prescribed.

(6) The time, place and procedure of meetings of the State Commission (including the quorum at such meetings) and its powers, shall be such as may be prescribed.

**18.** The Chairperson, members and member-secretary shall be appointed from amongst persons—

(a) who are or have been member of the All India Services or any other civil services of the Union or State or holding a civil post under the Union or State having knowledge and experience in matters relating to water security, policy making and administration in the field of health or any allied field; or

(b) of eminence in public life with wide knowledge and experience in water management, law, human rights, social service, management, health, or public administration; or

(c) who have a proven record of work relating to the improvement of the water management system and the water rights of the poor.

Qualification for the appointment of Chairperson, member or member-secretary of the State Commission.

**19.** The Chairperson, member and member-secretary shall hold office for a term not exceeding five years from the date on which he enters upon his office and shall be eligible for reappointment:

Provided that no person shall hold office as the Chairperson, member or member-secretary after he has attained the age of sixty-five years.

Term of Office of Chairperson, member or member-secretary of the State Commission.

**20.** The State Government may remove from office the Chairperson, member and member-secretary who—

(a) is, or at any time has been, adjudged as an insolvent; or

(b) has become physically or mentally incapable of acting as a member; or

(c) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member; or

(e) has so abused his position as to render his continuation in office detrimental to the public interest:

Removal from Office of Chairperson, member or member-secretary of the State Commission.

Provided that no such Chairperson, member or member-secretary shall be removed under clause (d) or (e) unless he has been given a reasonable opportunity of being heard in the matter.

**21.** The State Water Commission shall undertake the following functions, namely:—

(a) monitor and evaluate the implementation of the schemes under this Act, in relation to the State;

Functions of the State Commission.

- (b) either *suo motu* or on receipt of complaint inquire into violations of entitlements provided under Chapter II;
- (c) advice the State Government on effective implementation of this Act;
- (d) advise the State Government, their agencies, autonomous bodies as well as non-Governmental organizations involved in delivery of relevant services, for the effective implementation of water related schemes, to enable individuals to fully access their entitlements specified in this Act;
- (e) hear appeals against orders of the District Grievance Redressal Officer; and
- (f) prepare annual reports which shall be laid before the State Legislature by the State Government.

**22.** The State Commission shall, while inquiring into any matter referred to in clauses (b) and (e) of section 21, have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908, and, in particular, in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office; and
- (e) issuing commissions for the examination of witnesses or documents.

**23.** The State Commission shall have the power to forward any case to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case has been forwarded to him under section 346 of the Code of Criminal Procedure, 1973.

**24.** The provisions of section 18 shall apply to the State Water Commission and shall have effect subject to the modification that reference to the National Commission shall be construed as reference to the State Commission.

**25.** No act or proceeding of the State Commission shall be invalid merely by reason of—

- (a) any vacancy in, or any defect in the constitution of, the State Commission; or
- (b) any defect in the appointment of a person acting as a member of the State Commission; or any irregularity in the procedure of the State Commission not affecting the merits of the case.

## CHAPTER IX

### WATER MANAGEMENT CENTRE

Setting up of Water Management Center.

**26. (1)** The appropriate Government shall set up Water Management Centers (WMC) in every district under their jurisdiction to ensure the provision of safe and sufficient availability of water to eligible households, promote decentralization of water distribution and management and ensure empowering of the stakeholders with participatory approach.

(2) The Water Management Centers set up under sub-section (1) shall be accountable to the State Government concerned which shall oversee and regulate their activities and funds.

(3) The Water Management Center shall consist of:—

- (a) a Director;
- (b) a Management Committee comprising of:—

(i) head of the local self-Government of the concerned Water Management Center;

(ii) two representatives nominated by the Director and the head of the local government from local non-Governmental Organisations; and

(iii) an eminent personality nominated by the head of the local self-Government,

to be appointed by the appropriate Government in such manner as may be prescribed:

Provided that atleast fifty per cent, of the position in the Management Committee shall be held by women.

(3) The appropriate Government shall appoint such number of officers and staff to the Water Management Center as it deems necessary for carrying out the provisions of this Act.

(4) The salary and allowances payable to, and other terms and conditions of service of Director, representatives of the Management Committee appointed under sub-clauses (ii) and (iii) of clause (b) of sub-section (2) and officers and staff shall be such as may be prescribed.

**27.** Every Water Management Center set up under sub-section (1) of section 26 shall,—

(a) monitor the water usage, management, wastage and requirement in the area, using water meters or other methods as directed by the State Government;

(b) implement, maintain and price the local water supply in the area under it, by taking into account the differential pricing of water;

(c) ensure sustainability and improvement of water infrastructure and utilities;

(d) encourage efficient water use by households in an increasingly water scarce environment;

(e) regulate, monitor and repair leakages in the pipes of running water to prevent the wastage of water;

(f) ensure that industries in their district produce those goods which are water conservation friendly by providing incentives to the industries to produce goods with less use of water;

(g) present a quarterly report to the State Government concerned about the water situation in that area and their recommendations on advancing water security;

(h) take up activities such as distribution of water to eligible households, waste water treatment and installation of water conservation systems;

(i) work with Water User Association and note down their requirements and suggestions, and submit a report in this regard to the State Government concerned;

(j) regularly supervise the implementation of schemes made under this Act;

(k) inform the District Grievance Redressal Officer, in writing, of any malpractice or misappropriation of funds or violation of the provisions of this Act; and

(l) undertake such other functions as may be assigned to it, from time to time.

Functions of  
Water  
Management  
Centre.

## CHAPTER X

### OBLIGATIONS OF APPROPRIATE GOVERNMENT TOWARDS WATER CONSERVATION AND SECURITY

**28.** The appropriate Government shall:—

Obligations of  
appropriate  
Government.

(a) ensure availability of water in accordance with the number of persons belonging to the eligible households identified in each State;

- (b) strive to strengthen the inter-sectoral policy frameworks and institutional mechanisms for integrated management of water-related health hazards and risks including health impact assessment, strategic extension of drinking water systems and services, and environmental management to protect health in water resources and wastewater management projects;
- (c) conduct aggressive campaigns to efficiently conserve water and manage water sources under its jurisdiction;
- (d) encourage non-Governmental Organisations, industries, schools and universities to take up water conservation measures and install water harvesting mechanisms under their premises;
- (e) provide leverage to the private sector expertise, especially in the realms of technology and data to ensure the quick creation and efficient management of data and monitoring systems of water;
- (f) create robust water data systems with real-time monitoring capabilities to ensure that the data may be used to target policy interventions and enable innovation in the broader water ecosystem;
- (g) ensure survival or revival of ancient water conservation and rejuvenation traditions and systems;
- (h) tap into the local knowledge base of problems and challenges surrounding water supply systems, while ensuring true representation through partnerships with non-Governmental Organisations and other relevant organizations;
- (i) establish a legal framework to facilitate Participatory Irrigation Management through Water User Associations (WUA's); and
- (j) oversee the working of the Water Management Centers under its jurisdiction.

## CHAPTER XI

### OBLIGATIONS OF A CITIZEN TOWARDS CONSERVATION

**29. Every citizen of India shall,—**

- (a) indulge in water conservation friendly practices including rain water harvesting;
- (b) report instances of water wastage to concerned Grievance Redressal Officers;
- (c) provide information relating to groundwater related data to the appropriate Water Management Center including details of tube wells, deepening of tube well, dug well, pumps and water quality issue; and
- (d) encourage and spread awareness about water security amongst citizens as far as possible.

## CHAPTER XII

### WATER STANDARD INSTITUTE

**30. (1)** The Central Government shall, by notification in the Official Gazette, set up an institute to be known as the Water Standard Institute to be an institute to undertake research, study and frame adequate water safety standards vis-a-vis international standards.

(2) The Institute shall consist of:—

- (a) three chemical scientists;
- (b) two agro-climate experts;
- (c) one biologist; and

(d) thirty administrative staff representing all the State Governments, to be appointed by the Central Government in such manner as may be prescribed.

(3) The salary and allowances payable to, and other terms and conditions of service of scientists, experts, biologists and staff of the Institute shall be such as may be prescribed.

**31. The Institute shall,—**

- (a) establish, publish, notify, review and promote the Water Safety Standard;
- (b) ensure that the safety standards set for water quality are revised on a periodic basis and amended as and when required and reported to the National Commission to ensure proper implementation;
- (c) adopt a Water Safety Standard established by any other Institution in India or elsewhere;
- (d) recognize or accredit any institution in India or outside engaged in standardization;
- (e) undertake, support and promote such research as may be necessary for formulation of Water Safety Standards; and
- (f) interlink and manage water quality and quantity with broader environmental management approaches including the use of economic incentives and penalties:

Provided that every Indian Standard for water safety notified by the Institute shall remain valid until it is withdrawn.

**32. The Institute shall, for the purpose of this Act, constitute, as and when considered necessary, such number of Technical Committees of Experts for the formulation of standards under section 30.**

**33. Notwithstanding anything contained in any other law, the copyright in an Indian Water Safety Standard or any other publication of the Institute shall vest in the Institute.**

**34. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds to the Institute to undertake research on water quality and standards required for various purposes.**

Functions of  
Water  
Standard  
Institute.

Constitution  
of Technical  
Committee.

Copyright of  
the Indian  
Water Safety  
Standard to  
vest in the  
Institute.

Central  
Government  
to provide  
requisite funds  
to the  
Institute.

## CHAPTER XIII

### GRIEVANCE REDRESSAL MECHANISM

**35. The appropriate Government shall set up an internal grievance redressal mechanism including call centers, help lines, designation of nodal officers or such other mechanism as may be prescribed.**

Setting up of  
Grievance  
Redressal  
Mechanism.

**36. (1) For the purposes of section 35, the appropriate Government shall appoint or designate, for each district under or jurisdiction, an officer to be known as the District Grievance Redressal Officer for expeditious and effective redressal of grievances of the aggrieved persons in matters relating to procurement of water and enforcement of the entitlements under this Act.**

District  
Grievance  
Redressal  
Officer.

(2) The appropriate Government shall appoint such number of officers and staff to the District Grievance Redressal Officer as it deem necessary for carrying out the purposes of this Act.

(3) The qualifications for appointment, method and terms and conditions of appointment of District Grievance Redressal Officer and other officers and staff shall be such as may be prescribed.

**37.** (1) The District Grievance Redressal Officer appointed under section 36 shall hear complaints regarding non- availability of water, and matters relating thereto, and take necessary action for their redressal in such manner and within such time as may be prescribed;

(2) Any complainant or the officer or authority against whom any order has been passed by officer referred to in sub-section (1) who is not satisfied with the redressal of grievance may file an appeal against such order before the State Commission concerned.

(3) Every appeal under sub-section (2) shall be filed in such manner and within such time as may be prescribed.

#### CHAPTER XIV

##### TRANSPARENCY AND ACCOUNTABILITY

**38.** The appropriate Government shall put all water related data in public domain including data on groundwater levels, groundwater quality, surface water sources and water available for irrigation, soils and all other data related to water use by the stakeholders as considered appropriate for all uses of water.

**39.** The appropriate Government shall assign a unique identification to the Panchayat, Municipality or a Cantonment Board or any such authority by whatever name called in rural or urban areas under its jurisdiction, as the case may be, to compile data about the projects and facilities in those areas easily accessible to the rural and urban population.

#### CHAPTER XV

##### PROVISIONS FOR ADVANCING WATER SECURITY

**40.** The appropriate Government shall, while implementing the provisions of this Act and the schemes for meeting specified entitlements, make special focus to the needs of the vulnerable groups especially in remote areas and such other areas prone to water scarcity to provide water security.

**41.** The appropriate Government shall make efforts to further advance water security including:—

(a) improved and timely service delivery of water to the eligible households;

(b) operation of multi-village schemes;

(c) efficient operation and maintenance of water and related systems;

(d) ensuring adequate and proper water quality;

(e) ensuring sustainable use of water;

(f) pioneering efforts for waste water management; and

(g) effective communication among all Institutions under its jurisdiction for water conservation.

Functions of  
the District  
Grievance  
Redressal  
Officer.

Appropriate  
Government  
to put water  
related data in  
public  
domain.

Appropriate  
Government  
to assign a  
unique  
identification  
to the rural  
and urban  
areas.

Appropriate  
Government  
to Focus on  
Special Areas.

Appropriate  
Government  
to make  
efforts for  
advance water  
security.

**42.** The appropriate Government shall make efforts to fulfil the needs of people for clean and safe water for drinking and domestic use as a priority over other uses such as industrial and agricultural irrigation.

Appropriate Government to make efforts for clean and safe drinking water.

## CHAPTER XVI

### CONSERVATION OF WATER USED FOR IRRIGATION

**43.** The appropriate Government shall,—

- (a) stress on the importance of conserving and managing the water used for agricultural irrigation;
- (b) establish a legal framework to facilitate Participatory Irrigation Management through Water User Associations (WUA's) having significant competitive advantages in the operation and management, and user fee collection for irrigation due to their local knowledge and direct incentives; and
- (c) encourage agro-climatic zoning by providing tax based incentives by law to those opting for it.

Appropriate Government to take steps for conservation of water used for irrigation.

## CHAPTER XVII

### MISCELLANEOUS

**44. (1)** If any public servant or authority contravenes the provisions of this Act and is found guilty, by the State Commission at the time of deciding any complaint or appeal, of failing to provide the relief recommended by the District Grievance Redressal Officer, without reasonable cause, or willfully ignoring such recommendation, shall be liable to penalty not exceeding rupees five thousand rupees:

Penalty.

Provided that the public servant or the public authority, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is being imposed upon him.

(2) For the purpose of adjudging penalty under sub-section (1), the State Commission shall authorize any of its members to be an adjudicating officer for holding an inquiry in the prescribed manner after giving any person concerned a reasonable opportunity of being heard before imposing any penalty.

(3) While holding an inquiry under sub-section (2), the adjudicating officer shall have power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document which in the opinion of the adjudicating officer, may be useful for or relevant to the subject matter of the inquiry and if, on such inquiry, he is satisfied that the person has failed to provide the relief recommended by the District Grievance Redressal Officer, without reasonable cause, or willfully ignored such recommendation, he may impose such penalty as he thinks fit.

**45.** The Central Government may, by notification, direct that the powers exercisable by it (except the power to make rules), in such circumstances and subject to such conditions and limitations, be exercisable also by the State Government or an officer subordinate to the Central Government or the State Government as it may specify in the notification.

Delegation of Power by the Central Government.

**46.** The State Government may, by notification, direct that the powers exercisable by it (except the power to make rules), in such circumstances and subject to such conditions and limitations, be exercisable also by an officer subordinate to it as it may specify in the notification.

Delegation of Power by the State Government.

Central Government to issue directions.

Central Government to provide adequate funds to the State Governments.

Power to remove difficulties.

Act to have overriding effect.

Savings.

Power to make rules.

**47.** The Central Government may, from time to time, give such directions, as it may consider necessary, to the State Governments for the effective implementation of the provisions of this Act and the State Governments shall comply with such directions.

**48.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the State Governments for carrying out the purposes of this Act.

**49.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

**50.** The provisions of this Act or the schemes made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of such law.

**51.** The schemes, guidelines, orders and water standard, grievance redressal mechanism existing on the date of commencement of this Act, shall continue to be in force and operate till such schemes, guidelines, orders and water standard, grievance redressal mechanism, are specified or notified under this Act or the rules made thereunder:

Provided that anything done or any action taken under the said schemes, guidelines, orders and water standard, or by grievance redressal mechanism committees shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to be in force accordingly unless and until superseded by anything done or by any action taken under this Act.

**52. (1)** The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

#### STATEMENT OF OBJECTS AND REASONS

Hon'ble Supreme Court and the various High Courts have interpreted article 21 of the Constitution of India *viz.* the right to life, as encompassing the right to safe and sufficient water and sanitation. The Directive Principles of State Policy also direct the State to secure a social order for the promotion of welfare of the people and says that it is the duty of the State to raise the level of nutrition and the standard of living and to improve public health. Recently, the NITI Aayog expressed concern over the fact that six hundred million people in India face high to extreme water stress in the country, and about three-fourth of the households in the country do not have drinking water at their premises. Thus, there is an urgent need to ensure water security and safety standards under the legal system.

The United Nations in its resolution 64/292 adopted by the General Assembly on the 28th July, 2010 has recognized the human right to water and acknowledged that clean drinking water is essential to the realization of all human rights. In November 2002, the Committee on Economic, Social and Cultural Rights, adopted General Comment No. 15 on the Right to Water. Article 1.1 states that “The human right to water is indispensable for leading a life in human dignity. It is a pre-requisite for the realization of other human rights.” This comment also defined the right to water as the right of everyone to sufficient, safe, acceptable and physically accessible and affordable water for personal and domestic uses. Clean water and sanitation is also one of the United Nations sustainable development goals, which are a universal call to action to end poverty, protect the planet and ensure that all people enjoy peace and prosperity and India has committed to meet the United Nations Sustainable Development Goals by 2030.

Hence this Bill.

NEW DELHI;  
*July 10, 2018.*

ANURAG SINGH THAKUR

#### FINANCIAL MEMORANDUM

Clause 12 of the Bill provides for establishment of a National Water Commission. It also provides for appointment of Chairperson, members, member-secretary, officers and staff to the National Commission. Clause 17 of the Bill provides for establishment of a State Water Commission. Clause 26 provides for the setting up of Water Management Centres. Clause 30 provides for the establishment of a Water Standard Institute. Clause 32 provides for constitution of Technical Committee of Experts. Clause 34 provides that the Central Government shall provide funds to the Water Standard Institute. Clause 35 provides for setting up of Grievance Redressal Mechanism. Clause 36 provides for appointment of District Grievance Redressal Officer. Clause 48 provides that the Central Government shall provide requisite funds to the State Governments. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees three hundred crore per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees eighty crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 45 of the Bill empowers the Central Government to delegate its powers to the State Governments exercisable by it. Clause 46 empowers the State Government to delegate its powers to the officer subordinate exercisable by it. Clause 47 empowers the Central Government to give directions to the State Governments for the effective implementation of the provisions of this Bill. Clause 52 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the delegation of power, rules will relate to matters of details only, the delegation of legislative power is of normal character.

**BILL No. 156 OF 2018**

*A Bill to provide for population control and for matters connected therewith.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Population Control Act, 2018.

Short title  
and  
commencement.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2.** In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of the State and in other cases, the Central Government; and

(b) "prescribed" means prescribed by rules made under this Act.

Central Government to encourage, promote and motivate small family norm.

Benefits to couples who opt to undergo sterilization.

Compulsory subject relating to population control in educational institutions.

Establishment of a Health Care Centre in every village of the country.

Minimum age for marriage.

Provisions relating to Government employees, etc.

Punishment.

Act to have overriding effect.

Power to make rules.

**3.** It shall be duty of the Central Government to encourage, promote and motivate married couples to opt for small family norm with a view to control the rising population in the country.

**4.** If either the husband or the wife in case of a married couple, who have only two living children on the date of commencement of this Act, voluntarily undergoes sterilization, the appropriate Government shall provide them with the following benefits, namely:—

- (i) free education including higher education to one child and to the second child, if any, born within one year from the date of commencement of this Act;
- (ii) suitable employment to one child after he completes his education; and
- (iii) such other benefits as may be prescribed.

**5.** The appropriate Government shall introduce population control as a compulsory subject in all educational institutions for all children who have attained the age of fifteen years, irrespective of class in which they are studying and the course they are pursuing.

**6. (1)** The Central Government shall set up a Health Care Centre in every village of the country with a view to create awareness about population control amongst the people.

(2) The Health Care Centres established under sub-section (1) shall disseminate such information amongst, and provide such assistance to masses, with regard to population control, as may be prescribed by the Central Government.

**7.** No marriage shall be solemnized between a male who is less than twenty-seven years of age and a female who is less than twenty-two years of age.

**8. (1)** Any person who is serving in connection with the affairs of the Union Government or of the State Government or in any undertaking or organization under the control of the Central Government or the State Government, as the case may be, and,—

(a) who has only one living child or who has not procreated any child or who is unmarried on the date of commencement of this Act, shall give an undertaking that he shall not procreate more than two living children,

(b) who has two living children on the date of coming into force of this Act, shall give an undertaking that he shall not procreate any child one year after the coming into force of this Act.

(2) Any person violating the provisions of sub-section (1) shall be subject to such disciplinary action as may be determined by the appropriate Government.

**9.** Any person who contravenes the provisions of section 7 shall be punished with simple imprisonment for a term which shall be not less than five years and with fine which shall be not less than rupees twenty thousand.

**10.** The provisions of this Act shall have effect notwithstanding anything contained to the contrary in any other law for the time being in force.

**11. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

#### STATEMENT OF OBJECTS AND REASONS

Rapid increase in the population has given rise to many socio-economic problems like poverty, food and housing shortage, unemployment, environmental degradation, etc. We are the most populous country after China. If the present trend continues, it will not be possible for us to tackle the growing socio-economic problems. It is, therefore, imperative that certain effective steps are taken to check the increasing growth of our population. Since our resources are limited, proper upbringing of children is possible only when we opt for small family norm. Despite existence of various birth control measures and various family planning programmes, the problem of over population still remains.

The Bill, therefore, seeks to promote voluntary sterilization among the married couples having two children and also provides for certain measures like fixing the minimum age for marriages, promoting small family norm, introduction of a compulsory subject on population control in the school curricula for promoting and inculcating small family norm in the future generation.

Hence this Bill.

NEW DELHI;

VISHNU DAYAL RAM

*July 27, 2018.*

#### FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for certain benefits to be given to those persons who undergo sterilization voluntarily. Clause 5 provides for introduction of a compulsory subject relating to population control in all educational institutions. Clause 6 provides for establishment of Health Care Centres in every village of the country to provide assistance and information regarding population control. The Central Government shall have to incur some expenditure for implementing the provisions of this Bill in respect of Union territories. The State Governments will incur expenditure in respect of their States out of their respective consolidated funds. The Bill, therefore, if enacted, would involve an annual recurring expenditure of about rupees one hundred crore from the Consolidated Fund of India.

A non-recurring expenditure of rupees ninety crore is also likely to be involved for establishment of Health Care Centres in every district.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purpose of the Bill. As the rules to be made relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 170 OF 2018

*A Bill further to amend the Juvenile Justice (Care and Protection of Children) Act, 2015.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Short title and commencement.

**1.** (1) This Act may be called the Juvenile Justice (Care and Protection of Children) Act, 2018.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 56.

**2.** In section 56 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as the principal Act), in sub-section (2), the words ", irrespective of their religion," shall be omitted.

Amendment of section 58.

**3.** In section 58 of the principal Act,—

(a) in sub-section (1), the words ", virrespective of their religion," shall be omitted; and

(b) after sub-section (1), the following proviso shall be inserted, namely:—

Provided that where the identity of the orphan or abandoned or surrendered child is known, he shall be adopted by prospective adoptive parents belonging to similar religious or spiritual (Scheduled Tribe) ethnic group matching with the identity of such child.".

**4.** In section 59 of the principal Act, for sub-section (3), the following sub-sections shall be substituted, namely:—

Amendment  
of section 59.

"(3) A foreigner, who is a prospective adoptive parent living abroad, if interested to adopt an orphan or abandoned or surrendered child from India, irrespective of his religion, may apply for the same to an authorised foreign adoption agency or Central Authority or a concerned Government department in their country of habitual residence, as the case may be, in the manner as provided in the adoption regulations framed by the Authority.

(3A) A non-resident Indian or overseas citizen of India, or person of Indian origin, who are prospective adoptive parents living abroad, if interested to adopt an orphan or abandoned or surrendered child from India, may apply for the same to an authorised foreign adoption agency, or Central Authority or a concerned Government department in their country of habitual residence, as the case may be, in the manner as provided in the adoption regulations framed by the Authority:

Provided that where the identity of the orphan or abandoned or surrendered child is known, he shall be adopted by prospective adoptive parents belonging to similar religious or spiritual (Scheduled Tribe) ethnic group matching with the identity of such child.".

**5.** In section 69 of the principal Act, in sub-section (5), for the words "regional offices", the words "provincial Steering Committee for each State or province, as the case may be" shall be substituted.

Amendment  
of section 69.

### STATEMENT OF OBJECTS AND REASONS

India is a signatory to the United Nations Convention on the Rights of the Child (1992) and the Hague Convention (1993) on inter-country adoption of child. In consonance with the commitment towards these conventions, the Juvenile Justice (Care and Protection of Children) Act was enacted in the year 2000 which was consolidated and amended in the year 2015. Para (1) of Article 14 of Resolution 44/25 of the United Nations General Assembly dated 20 November, 1989 clearly expects the State parties to respect the "right of the child to freedom of thought, conscience and religion". The Government of India did not give due respect to the said resolution and without carrying out a thorough study of article 25 of the Constitution of India, enacted the Juvenile Justice (Care and Protection of Children) Act in the year 2015 and made a mistake by way of insertion of provisions related to inter-country adoption. To address the discrepancies in the Act of 2000, the amendment Act of 2015 [Act No. 2 of 2016] was enacted. However, the discrepancies could not be removed. Therefore, the amendment of the present Act of 2015 has become necessary for adoption of Hindu children.

As per sections 2(1), 2(42) and 2(60) of the Juvenile Justice (Care and Protection of Children) Act, 2015, abandoned or orphan or surrendered child may be categorised into following two categories of child whose:—

- (1) identity is not known to the Committee; and
- (2) identity is known to the Committee including sections of society, religion and spiritual ethnic group to whom the child belongs to.

The present Bill is intended for the welfare of the children coming under second category where the identity of the child is known to the Committee. The words "irrespective of their religion" as mentioned in sections 56(2), 58(1), 59(3) of Chapter VIII of the Act implies that the children whose identity is known are still being adopted by the prospective parents belonging to different religion. Such provisions cannot be justified as it leads to forced conversions.

Though the best interests of the child are mentioned in the Juvenile Justice (Care and Protection of Children) Act, 2015 and are also defined in section 2(9), there are still many ways to serve further. The present Act seems to be more inclined to give the Hindu Children to followers of other religions for adoption. Though at present no major movement is being noticed at social level, in coming days it may possibly lead to agitation by followers of Hindu religion. The Hon'ble Supreme Court also does not support such type and inappropriate attempts and in 1977 had clearly stated that "..... if a thing disturbs the current of the life of the community and does not merely effect an individual. It would amount to disturbance....".

It is an indisputable that the number of followers of Hinduism is greater than that of other prominent religions like Christianity and Islam. Out of which the Hindus are considerably poor and the followers of Christianity and Islam used to get substantial foreign financial assistance. Therefore, the Children of the followers of Christianity and Islam religions are available for adoption in meager numbers and the number of children born in Hindu families is comparatively higher under the present Act. There is a provision in the Act which clarifies the religious and socio-economic background of children available for adoption. If the Government of India reveals its related records such as Form 43 Rule 69 (H) 3 of the Juvenile Justice (Care and Protection of Children) Model Rules, 2016 pertaining to Case History of the Child for Child Care Institutions; Schedule II of the Adoptive Regulation, 2017 pertaining to Child Study Report and Schedule VII pertaining to Home Study Report of Resident Indian Parent/ Overseas

Citizen of India/Foreigner Living in India, the actual position may be placed before the House.

The Bill, therefore, seeks to amend the Juvenile Justice (Care and Protection of Children) Act, 2015 with a view to:—

(a) ensure that injustice is not meted out to the abandoned Hindu Children; and

(b) provide that the orphan or abandoned or surrendered child whose identity is known to the Committee be adopted by prospective adoptive parents belonging to similar religious or spiritual (Scheduled Tribe) ethnic group matching with the identity of such child.

(c) establish Provincial Steering Committee for each State or Province, as the case may be.

Hence this Bill.

NEW DELHI;

BHANU PRATAP SINGH VERMA

*July 31, 2018.*

## BILL No. 167 OF 2018

*A Bill further to amend the Companies Act, 2013.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Short title and Commencement.

**1. (1)** This Act may be called the Companies (Amendment) Act, 2018.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2.** After section 135 of the Companies Act, 2013, the following section shall be inserted, namely:—

18 of 2013.

Insertion of new section 135A.

"135A. Notwithstanding anything contained in this Act, the Board of every company shall ensure that the company spends, in every financial year, at least twenty *per cent.* of the amount earmarked for Corporate Social Responsibility in Bundelkhand region of the country.".

Provision of spending specific amount of Corporate Social Responsibility earmarked in every financial year in Bundelkhand region.

#### STATEMENT OF OBJECTS AND REASONS

The Bundelkhand region is one of the most backward regions in the country. The unemployment in the Bundelkhand region is at its zenith. The person residing there are bound to migrate. Due to scarcity of irrigation system, the farmers are unable to have sufficient income and are committing suicide. The region has no industry at all. For the purposes of development of the Bundelkhand region and completion of social welfare schemes, the amendment in the Companies Act, 2013 is necessary.

The Bill, therefore, seeks to amend the Companies Act, 2013 with a view to make mandatory provision in the Act that Companies/Public Sector Undertakings should spend at least twenty per cent. of their Corporate Social Responsibility Funds in the Bundelkhand region so that the region does not lag behind in infrastructure and social development.

NEW DELHI;  
*August 1, 2018.*

BHAIRON PRASAD MISHRA

**BILL No. 151 OF 2018**

*A Bill further to amend the Contempt of Courts Act, 1971.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Short title and commencement.

**1. (1)** This Act may be called the Contempt of Courts (Amendment) Act, 2018.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 2.

**2.** In the Contempt of Courts Act, 1971, in section 2, for clause (b) the following shall be substituted namely:—

(b) “civil contempt” means wilful disobedience to any judgement, decree, direction, order, writ or other process of a court including non-filing of counter or reply affidavits or proceedings within the time granted by the Court or wilful breach of an undertaking given to a court;

*Explanation I.*—For the purpose of this clause, the non-filing of counter or reply affidavits or proceedings by the official respondents within the time granted by the any court of law, shall amount to a civil contempt.

*Explanation II.*—The term “official respondents” in the above Explanation I shall include all the officials representing the Union or State Governments or any authority or body or institution of self Government established or constituted by or under the Constitution; or by any other law made by the Parliament or a State Legislature; or by notification issued or order made by the Central Government or a State Government; bodies owned, controlled or substantially financed by the Central Government or a State Government and non-Governmental organisations substantially financed by the Central Government or a State Government, who were arrayed as respondents in the legal proceedings before any court of law.

*Explanation III.*—If the “official respondent” is having a legal officer or a Government pleader or a standing counsel or an advocate on record or any law officer to represent it before the appropriate Court of Law, the responsibility of filing the counter affidavit or reply proceedings shall lie equally between the official respondent and legal officer representing it and they shall jointly and severally face the contempt proceedings, if any, initiated against any of them for this purpose.”

### STATEMENT OF OBJECTS AND REASONS

The Contempt of Courts Act, 1971 was enacted to uphold the dignity and authority of the courts, ensure compliance with the directions of court, preserve an effective and impartial system of justice and to maintain public confidence in the administration of justice. The Act defines two types of contempt. One is civil contempt and other is criminal contempt. The civil contempt is defined as wilful disobedience to any judgement, decree, direction, order, writ or other process of a court or wilful breach of an undertaking given to a court.

There are large numbers of pending cases before various courts where the Government is a litigant and reports indicate that large number of cases are pending because of non-filing of counter or reply affidavits by the various Government authorities in spite of specific directions from the concerned courts. The non-filing of counter/reply affidavits is causing a lot of inconvenience to the courts in the administration of justice. This is also creating delay in doing justice to the people approaching the courts. Often, courts are taking a serious view of delay in filing counter/reply affidavits and impose heavy costs to be recovered from the offices concerned.

The Government is sensitising its officers from time to time to file counter affidavits reply within the time granted by the courts. The Government also appoints Law Officers/Government Pleaders/Standing Counsels/Advocate on Record/Solicitors to represent various Government departments in various courts. However, the law officers are not taking the responsibility of filing counters and they simply inform the respondent officials about the case and keep silent until a reply comes from them. Similarly, officials are also not choosing to file the counters until and unless court takes a serious view. Lack of proper coordination between Government officials and law officers is one of the reasons for not filing the counter affidavits within time. Therefore, the responsibility of filing counter should be the equal responsibility of the official respondent and law officer representing him in the court and they should be jointly and severally responsible for non-filing within the time granted by courts.

Though, non-filing of counter affidavits within the time granted by court can be interpreted as disobedience of the order of the court, contempt proceedings are not initiated in this aspect till now. Therefore, it is necessary to explicitly bring the non-filing of counter affidavits within time granted by courts as a contempt of court and as such an amendment is proposed to the parent Act to this effect. The proposed amendment ensures in-time filing of counter affidavit and thus helps the court to deliver judgements at the earliest so that the justice is not delayed. The proposed Bill addresses the above concerns to a certain extent.

Hence this Bill.

NEW DELHI;  
August 1, 2018.

BHAIRON PRASAD MISHRA

## BILL NO. 208 OF 2018

*A Bill to provide for establishment of a permanent bench of the High Court at Allahabad at Mahoba*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

**1.** This Act may be called the High Court at Allahabad (Establishment of a Permanent Bench at Mahoba) Act, 2018.

Short title. .

**2.** There shall be established a permanent Bench of the High Court at Mahoba and such Judges of the High Court at Allahabad, being not less than five in number, as the Chief Justice of High Court may from time to time nominate, shall sit at Mahoba in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the districts of Banda, Chitrakoot, Mahoba, Hamirpur, Jalaun, Jhansi and Lalitpur.

Establishment  
of a  
permanent  
bench of High  
Court at  
Allahabad at  
Mahoba.

#### STATEMENT OF OBJECTS AND REASONS

Mahoba is backward area and has been historically the capital of Bundelkhand region and all the administrative and judicial functions have been going on and being disposed of in Mahoba. However, the present situation in this region, being part of State of Uttar Pradesh, which is the most popular State of India, as on date a huge backlog of pending cases are still there. In order to get justice, people of this region have to travel long distance from their native areas which is expensive. It results in to loss of both time and money and because of this, the process becomes more serious and annoying for the people residing in the economically backward region like Bundelkhand.

As per provisions in the Constitution of India, a permanent Bench of Allahabad High Court at Allahabad in, Uttar Pradesh may be set up in Allahabad or any such place as decided by the Chief Justice of India with the approval of the President of India.

The Bill, therefore, seeks to establish a permanent Bench of High Court at Allahabad at Mahoba in the State of Uttar Pradesh. This will greatly facilitate the justice delivery process under the judicial process to the people of Bundelkhand.

Hence this Bill.

NEW DELHI;  
*November 19, 2018.*

KUNWAR PUSHPENDRA SINGH CHANDEL

**BILL NO. 212 OF 2018**

*A Bill further to amend the constitution of India.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

**1. (1)** This Act may be called the Constitution (Amendment) Act, 2018.

Short title  
and  
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

**2.** In article 51A of the Constitution, after clause (k), the following clause shall be inserted, namely:—

Amendment  
of article  
51A.

"(l) to participate in the efforts for de-addiction and propagate the ill-effects of addiction to intoxicants.".

#### STATEMENT OF OBJECTS AND REASONS

It is estimated that the number of people addicted to intoxicants in the country is around eight crores which is a huge number. This menace has spread its wings across India and both men and women are affected by this bad habit. But the most affected are the women. Though, in India when compared to men, women are less addicted to intoxicants but it is the women who bear the brunt of it the most. The increase in the number of cases of violence against women is only due to addiction to intoxicants and the main reason behind sexual exploitation and sexual violence is consumption of intoxicants as a result of which women feel insecure not only in the outside world but in the safe environment of their homes also.

Further, addiction to intoxicants among the youth has become a grave issue. Youth are the future of our country and by getting addicted to intoxicants they have gone astray thereby ruining not only their future but also of the country. This does not augur well for a land of wisdom like India. Hence, every alert citizen must actively participate in the efforts to prohibit the addiction to intoxicants and to take every possible effort to protect himself/herself and the society from the ill-effects of intoxicants.

Hence this Bill.

NEW DELHI;  
*November 19, 2018.*

KUNWAR PUSHPENDRA SINGH CHANDEL

## BILL No. 206 OF 2018

*A Bill to provide for the compulsory teaching of Indian Spiritual and Human Service Philosophy Education in educational institutions and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

**1. (1)** This Act may be called the Compulsory Teaching of Indian Spiritual and Human Service Philosophy Education in Educational Institutions Act, 2018. Short title and commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

**2.** In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "educational institution" means an institution imparting primary, middle, secondary or higher secondary level education to children, by whatever name such institution is called, but does not include a minority educational institution; and

(c) "prescribed" means prescribed by rules made under this Act.

**3.** From such date as the Central Government may, by notification in the Official Gazette, specify, the Indian spiritual education and human service philosophy shall be taught as a compulsory subject in all educational institutions in such form and manner as may be prescribed by the Central Government on the recommendation of the Council.

**4.** The appropriate Government shall, immediately after issuance of the notification under section 3, issue direction for compulsory teaching of Indian spiritual education and human service philosophy in all educational institutions within its jurisdiction.

**5.** The appropriate Government shall, in such number as it may deem necessary and as specified by the Central Government appoint qualified teachers to provide Indian Spiritual and human philosophy education in every educational institution.

**6.** The appropriate Government shall derecognize schools not complying with the provision of section 3 but before taking any decision regarding derecognition of the affiliation of any school, after giving such institution a reasonable opportunity of being heard.

**7.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the State Governments for carrying out the purposes of this Act.

**8.** The Central Government may direct any State Government falling under the jurisdiction of this Act to implement any provision or any rule made thereunder which it finds necessary for carrying out the purposes of this Act.

**9.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

**10.(1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Compulsory teaching of Indian spiritual education and human service philosophy.

Appropriate Government to issue direction for compulsory teaching of Indian spiritual education and human service philosophy in educational institutions.

Appointment of teachers to provide Indian Spiritual education and human service philosophy education.

Derecognition of educational institutions for non-compliance of the provisions of this Act.

Central Government to provide adequate funds.

Power to direct.

Overriding effect of the Act.

Power to make rules.

## STATEMENT OF OBJECTS AND REASONS

India is a land of wisdom and the rumination on the form and relations between life and the world is being done since ages according to the capacity of human beings. As a result, the world along with India gained many welfare ideas. There are many ideas like '*Vasudheva Kutumbkam*', '*Satyamev Jayate*', etc. which are still the basis of Indian institutions. But the education being imparted by the various educational institutions at present is related to the development of interpretation and understanding of implementation related things due to which a unidirectional approach towards life is being evolved. But in order to understand the life holistically it is extremely necessary to have a spiritual approach and knowledge of human service philosophy. If a student pursues spiritual education and human service right from his childhood, not only his but also societies actual development would be possible where the noble human values may get the rightful place and there may be a check on the present social evils like terrorism, corruption, sexual violence, intoxication, illiteracy, communalism, etc. Keeping in view the various benefits of philosophy of spiritualism and human service and to make India the land of wisdom once again its teachings in various educational institutions is inevitable.

Hence this Bill.

NEW DELHI;  
November 9, 2018.

KUNWAR PUSHPENDRA SINGH CHANDEL

#### FINANCIAL MEMORANDUM

Clause 5 of the Bill provides appointment of teachers to provide Indian Spiritual education and human service philosophy education. Clause 7 provides for Central Government to provide adequate funds. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. At this stage, it is not possible to give exact estimate of expenditure, both recurring and non-recurring, which will be involved from the Consolidated Fund of India, if the Bill is enacted into a law. However, it is estimated that a recurring expenditure of about rupees five hundred crore will be involved per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five hundred crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purpose of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL No. 177 OF 2018

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

**1.** This Act may be called the Constitution (Amendment) Act, 2018.

Short title.

**2.** In article 309 of the Constitution, after the existing proviso, the following proviso shall be added at the end, namely:—

Amendment  
of article 309.

"Provided further that every rule made in respect of services and posts in connection with the affairs of the Union shall be laid, as soon as may be after it is made before each House of Parliament, while it is in session, for a total period of forty-five days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

**STATEMENT OF OBJECTS AND REASONS**

Article 309 of the Constitution provides for recruitment and conditions of service of persons serving the Union or State. Timely changes in recruitment and service conditions are indicator of progressive organisation which makes it flexible by changing the service conditions as per the need of the hour and makes it more useful. Whenever an Act provides for framing of rules for carrying out the purposes of that Act, there is also a provision in the Act for laying of those rules before each House of Parliament and such rules are subject to modification or annulment by Parliament. However, the rules made under article 309, due to lack of laying provisions, are not laid on the Table of the Houses. Consequently, such rules escape the scrutiny of the Parliament.

The Bill, therefore, proposes to amend article 309 of the Constitution to include the provision for laying of rules regulating the recruitment and conditions of service of persons serving in connection with the affairs of the Union before each House of Parliament.

Hence this Bill.

NEW DELHI;  
*November 19, 2018.*

KUNWAR PUSHPENDRA SINGH CHANDEL

## BILL NO. 244 OF 2018

*A Bill to address the increasing prevalence of suicide especially amongst the youth of the country with a community-based approach focusing on timely intervention and removal of stigma associated with reporting of mental illness and increasing lines of communication and for matters connected therewith.*

WHEREAS the Convention on Rights of Persons with Disabilities and its Optional Protocol was adopted on the 13th December, 2006 at United Nations Headquarters in New York and came into force on the 3rd May, 2018;

AND WHEREAS India has signed and ratified the said Convention on the 1st day of October, 2007;

AND WHEREAS it is necessary to align and harmonize the existing laws with the said Convention.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

**1. (1)** This Act may be called the Suicide Prevention in Youth Act, 2018.

Short title,  
extent and  
commencement.

(2) It extends to whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

**2. In this Act, unless the context otherwise requires,—**

(a) "Agency" means the Youth Mental Health Agency established under section 4;

(b) "annual report" means a report giving the details of developmental activities taken up over the year by the Agency and detailing about targets set and achieved;

(c) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(d) "counseling" means the application of mental health, psychological or human development principles through cognitive, effective, behavioral or systemic interventions and strategies to address wellness, personal growth, or career development as well as pathology;

(e) "educational institution" means —

(i) a middle or a secondary or a senior secondary level school imparting education to children, or any college owned by the appropriate Government, local authority or non-Governmental Organization, institute or university imparting higher education recognized by the Government or established under an Act of the Central Government or a State Government or run by a non-Governmental Organization, by whatever name such institution is called; and

(ii) schools and colleges managed by a private entity, society or a trust which impart education at secondary, senior secondary level and university level;

(f) "employee" means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor with or without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name but does not include domestic worker working at home;

(g) "mental health promotion" refers to activities that optimize the creation of individual, social and environmental conditions that enable optimal psychological and psycho physiological development of a person;

(h) "media" includes print, electronic, online and digital platforms for communication;

(i) "prescribed" means prescribed by rules made under this Act;

(j) "psychiatrist" means a medical practitioner possessing a post-graduate degree or diploma in psychiatry awarded by an university recognized by the University Grants Commission established under the University Grants Commission Act, 1956, or awarded or recognised by the National Board of Examinations and included in the First Schedule to the Indian Medical Council Act, 1956, or recognised by the Medical Council of India, constituted under the Indian Medical Council Act, 1956 and includes, in relation to any State, any medical officer who having regard to his knowledge and experience in psychiatry, has been declared by the Government of that to be a psychiatrist for the purposes of this Act;

(k) "workplace" includes —

(i) office of any department, organization, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the appropriate Government or the local authority or a Government company or a corporation or a co-operative society;

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102 of 1956.

(ii) office of any private sector organization or a private venture, undertaking, enterprise, institution, establishment, society, trust, non-governmental organization, unit or service provider carrying on commercial, professional, vocational, educational, entertainment, industrial, health services or financial activities including production, supply, sale, distribution or service; and

(iii) hospitals or nursing homes.

(l) "youth" means a person who has attained the age of fifteen years but below the age of thirty years.

**3.** The appropriate Government shall, within one year of the commencement of this Act, by notification in the Official Gazette, formulate a comprehensive National Suicide Prevention Strategy for prevention of suicides particularly among youth in the country.

Formulation  
of National  
Suicide  
Prevention  
Strategy.

**4.** The Central Government shall, as soon as may be, but within one year of the commencement of this Act, by notification in the Official Gazette, constitute an Agency to be known as the Youth Mental Health Agency to monitor, advise and supervise the provisions of this Act.

Constitution  
a Youth  
Mental  
Health  
Agency.

**5.** The Agency shall,—

Functions of  
the Agency.

(a) develop the coordination and cooperation between concerned Ministries of the appropriate Government and stakeholders based on the guidelines of the National Suicide Prevention Strategy formulated under section 3;

(b) compile and disseminate knowledge and guidance in collaboration with relevant agencies and stakeholders;

(c) strengthen knowledge-building and develop new knowledge in collaboration with agencies and relevant stakeholders and provide support to such development work;

(d) develop monitoring of the suicide preventative activities in collaboration with relevant agencies and stakeholders; and

(e) publish annual reports on the development of the area based on its role as a coordinating agency.

**6.** The appropriate Government shall ensure that Counselling Centres consisting of professionally trained counsellors are set up in every State to provide services to students, research scholars and faculties including non-teaching staff in such manner as may be prescribed.

Setting up of  
Counselling  
Centres.

**7.** The appropriate Government shall direct all educational institutions and workplaces to constitute a Mental Health Committee for carrying out the purposes of this Act.

Constitution  
of Mental  
Health  
Committees  
in all  
educational  
institutions  
and work  
places.

**8.** The Mental Health Committees constituted under section 7 shall,—

Functions of  
the Mental  
Health  
Committee.

(a) undertake mental health promotion through creating awareness about mental health issues and stress management in the educational institution through regular talks, seminars, discussions on a routine basis;

(b) ensure that every educational institution set up a Counselling Cell where students, faculty, non-teaching staff and employees including faculty members may

access a professionally trained psychological counsellor free of cost in case of any mental distress;

(c) ensure that there is at least one psychiatrist to provide mental healthcare counselling in every Counselling cell; and

(d) submit an annual report stating the year-round activities undertaken by it to the Agency.

Mental Healthcare Counselling in Government Schools.

Information dissemination and awareness building.

Mandatory suicide preventive training in educational institutions and workplaces.

Creation of a toll-free National suicide prevention lifeline number.

Appropriate Government to take measures to curb spread of harmful online material.

**9. (1)** The appropriate Government shall provide mental healthcare counselling in every Government school in such manner as may be prescribed.

(2) The appropriate Government shall appoint adequate number of psychiatrists to provide mental healthcare counselling in Government schools in such manner, as may be prescribed.

**10. (1)** The appropriate Government shall ensure that every educational institution and workplace disseminate and provide opportunities to discuss suicide prevention awareness information to all employees and students.

(2) The information dissemination and suicide prevention information under sub-section (1) shall include but not limited to the following:—

(a) providing information on all crises intervention tools such as National and local helpline numbers, self-help groups, availability of psychologists; and

(b) providing information about depression and suicide prevention resources available to students.

(3) The information provided to students under sub-section (2) shall pertain to mental health services and other support services, including student-run organizations for individuals at risk of or affected by tendencies of suicide.

**11. (1)** The appropriate Government shall ensure that teaching and non-teaching staff in educational institutions undergo training focused on measures to be taken for prevention of suicide, identify possible signs and patterns of depression, suicide and self-harm.

(2) The appropriate Government shall ensure that all employees at workplaces undergone training for taking preventive measures and checking tendencies of suicide among their family members and colleagues.

(3) The training under sub-section (1) and (2) shall be undertaken by experienced psychiatrists, counsellors and medical practitioners at least once a year.

**12.** The appropriate Government shall set up a toll-free 24/7 National Suicide Prevention Lifeline Number.

**13.** The appropriate Government shall take necessary measures to ensure—

(a) restriction on access to information on the internet and other sources for availing unauthorized psychological services;

(b) promotion of methods to check tendencies of suicide and self-harm and prevention of indulging in online games that endorse harmful behaviour;

(c) development of a system of alert and restriction on online sites that endorse harmful behaviour such as self-harm; and

(d) improve parental control on online sites that advertise content which actively encourages or glorifies suicides or self-harm.

**14.** The appropriate Government shall take measures to ensure that media reporting of mental health issues is carried out in an appropriate manner with caution.

Media reporting on Mental Health issues.

**15.** The appropriate Government shall take all measures to ensure that,—

(a) the provisions of this Act are given wide publicity through public media including television, radio, print and online media at regular intervals;

(b) to reduce stigma associated with mental illness are planned, designed, funded and implemented in an effective manner; and

(c) the appropriate Government officials including police officers and other officers of the appropriate Government are given periodic sensitization and awareness training on the issues under this Act.

Creating awareness about mental health illness.

**16. (1)** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no such order shall be made after expiry of two years from the date of commencement of this act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

**17.** The Provisions of this Act shall be in addition to and not in derogation of any other law, for the time being in force.

Act not in derogation of any other law.

**18. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions, aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have affect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

#### STATEMENT OF OBJECTS AND REASONS

Suicide is the second leading cause of death among fifteen to twenty-nine years old youth globally. Albeit, it is often cited as the most preventive form of death. According to data from the National Health Profile, 2018, the rates of suicide in India have increased in the last ten years. The internationally acclaimed medical journal Lancet has reported that in the year 2016 alone, an estimated 230,300 Indians committed suicide, a forty per cent. increase from the year 1990. Further, India accounted for thirty per cent. of all suicides reported globally for women and twenty-six per cent. for men.

At risk for suicide are generally the adolescents and young adults. According to National Mental Health Survey 2016, nearly 9.8 million of young Indians aged between 13-17 years are in need of active interventions of mental healthcare due to some form of mental disorder. The student suicide rate in the country has also seen a rise in the last three years. Stigma associated with reporting of mental health disorders may mean that the number is much higher.

In a technological saturated world there is a plethora of harmful content that can influence young minds. The age bracket has additional pressures to excel in school and workplaces. Additionally, hormonal and bodily changes in adolescents can further put pressure on the young mind. Shift towards nuclear family structures often result in reduction of interaction time with parents and family members. While acknowledging that suicide is a complex phenomenon that occurs due to a multitude of factors, rather than a specific cause, timely intervention can save millions of lives. The first step in reduction of suicide in the country is through reducing the stigma attached to mental health issues. Stigma contributes to the huge burden of mental morbidity, being a road-block to treatment seeking. A community-based response has been recommended by the World Health Organization as a way to open lines of communications and reduce stigma. The school becomes an important place of intervention as adolescents and young adults spend a majority of their time there. Suicide prevention training for faculty and teachers can help in early identification of signs of mental distress.

The high suicide rate in India warrant a swift and serious policy response. This mental health intervention may help to provide a ray of hope towards a dignified life for millions of adolescent and young adults.

Hence this Bill.

NEW DELHI;  
November 19, 2018.

ANURAG SINGH THAKUR

#### FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that the Central Government shall establish a Youth Mental Health Agency. Clause 6 provides that the appropriate Government shall establish counselling centres in every State. Clause 7 provides that the Educational institutions and workplaces shall establish Mental Health Committees. Clause 8 provides for the functions of the Mental Health Committee. Clause 9 provides for mental healthcare counselling in every Government school. It also provides for appointment of adequate number of psychiatrists. Clause 12 provides that the appropriate Government shall create a National Suicide Prevention 24/7 toll-free help-line number. Clause 15 provides for wide publicity through public media including television, radio, print and online media at regular intervals about the provisions of this Act. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees one hundred crore is likely to be incurred from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 18 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 238 OF 2018

*A Bill to provide for a framework to enable India to achieve its goal of eliminating single-use plastic by the year 2022.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Short title,  
extent and  
commencement.

**1. (I)** This Act may be called the Single-Use Plastic (Regulation) Act, 2018.

(2) It extends to whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

**2.** In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "higher education institution" includes institutions imparting education on completion of senior secondary level;

(c) "plastic" means material which contains as an essential ingredient a high polymer such as polyethylene terephthalate, high density polyethylene, Vinyl, low density polyethylene, polypropylene, polystyrene resins or multimatials like acrylonitrile butadiene styrene, polyethylene oxide, polycarbonate or polybutylene terephthalate;

(d) "plastic packaging" means all products which are—

(i) used for the containment, protection handling, delivery and presentation of goods; and

(ii) partly or wholly composed of plastic;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "recycle" means the reprocessing in a production process of the waste materials of a plastic product for the original purpose or for other purposes;

(g) "reuse" means any operation by which a plastic product, which has been conceived and designed to accomplish within its life cycle a minimum number of trips or rotations, is refilled or used for the same purpose for which it was conceived; and

(h) "single-use plastic" means any disposable plastic item which is designed to be used only once before it is thrown out or recycled and includes plastic forks and knives, plastic shopping bags, plastic coffee cup, lids, plastic water bottles, styrofoam, plastic take out containers and plastic straws.

**3. The Central Government shall, within six months from the commencement of this Act,—**

Plastic target setting.

(a) prescribe a target of complete elimination of plastic waste by the year 2050 in accordance with international obligations, if any, agreed to by India;

(b) specify the year 2022 target year to implement a complete ban on single-use plastic and the proportion of reduction of single-use plastic during each year following the date of fixing of target year 2022; and

(c) formulate and implement a National Plastic Control Strategy for carrying out the purposes of this Act.

**4. The appropriate Government shall take necessary measures to promote sustainable alternatives to single-use plastic including,—**

Promote sustainable alternatives to plastic.

(a) research by higher education institutions and others into sustainable alternatives to plastic packaging; and

(b) the use of sustainable alternatives to plastic packaging.

**5. The appropriate Government shall take measures to ensure—**

Phasing out of existent plastic.

(a) elimination of the production and use of plastics;

(b) increase in recycling, reuse and other forms of waste recovery in relation to plastics; and

(c) removing plastics already in the environment for the purpose of recycling, reusing or applying another form of waste recovery to the plastics.

**6. Notwithstanding anything contained in any other law for the time being in force, no person shall, after the target year 2022, use, stock, distribute, manufacture, sell or trade in any single-use plastic item.**

Ban on single use plastic items.

Penalty.

**7.** Whoever violates the provision of this Act shall be punished with a fine which shall not be less than rupees one lakh but which may extend upto five lakhs.

Central  
Government  
to provide  
requisite funds.

**8.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Act.

Power to  
make rules.

**9. (I)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

#### STATEMENT OF OBJECTS AND REASONS

India's 1.3 billion population currently produces 25,940 metric tonnes of plastic per day, Plastic is highly non-biodegradable causing permanent damage to the environment by disrupting ecosystems.

Single use plastic can block waterways and exacerbate natural disasters. By clogging sewers and providing breeding grounds for mosquitoes and pests, plastic bags can increase the transmission of vector-borne diseases like malaria.

Marine life is also impacted by the irresponsible dumping of plastic goods in water bodies. High concentrations of plastic materials, particularly plastic bags, have been found blocking the airways and stomachs of hundreds of species. There is evidence that the toxic chemicals added during the manufacture of plastic transfer to animal tissue, eventually entering the human food chain. Styrofoam products, which contain carcinogenic chemicals like styrene and benzene, are highly toxic if ingested, damaging the nervous systems, lungs and reproductive organs.

Further, improper disposal of plastic can cause toxicity thereby having a devastating impact on the quality of life. Plastic waste is often burned for heat or cooking, exposing people to toxic emissions. Disposing of plastic waste by burning it in open-air pits releases harmful gases like furan and dioxin. This contributes to the air pollution which has become a public health endemic in recent years. Efforts to ban single use plastic and promote sustainable alternatives to it can help in mitigate all the ill-effects on human life and environment.

India's commitment towards sustainable development can only be realised through concentrated efforts of reducing pollution caused by plastic.

Hence this Bill.

NEW DELHI;  
19 November, 2018.

ANURAG SINGH THAKUR

#### FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for research by higher education institutions and others into sustainable alternatives to plastic packaging. Clause 5 provides that the appropriate Government shall take measures to increase in recycling, reuse and other forms of waste recovery in relation to plastics. Clause 8 of the Bill provides that the Central Government shall provide requisite funds for carrying out the purposes of this Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

## BILL NO. 207 OF 2018

*A Bill to provide for a comprehensive policy towards stabilizing the population of the country by providing voluntary and safe access to methods of contraception, establishment of a Population Planning Agency, promotion of schemes that incentivizes the small family norm, creating awareness on family planning and providing access of education to empower every girl child and for all matters connected therewith or incidental thereto.*

Be it enacted by Parliament in the Sixty-ninth year of the Republic of India, as follows:—

**1. (1)** This Act may be called the Population (Stabilization and Planning) Act, 2018.

Short title,  
extent and  
commencement.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

**2.** In this Act, unless the context otherwise requires,—

Definitions.

(a) " Agency" means the National Population Planning Agency constituted under section 3;

(b) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(c) "hospital" means any private and public healthcare institutions that provides general, critical care or specialized healthcare;

(d) "prescribed" means prescribed by rules made under this Act; and

(e) "small family" means a family having two living children or less.

**3. (1)** The Central Government shall, within one year of the coming into force of this Act constitute an Agency to be known as the National Population Planning Agency for carrying out the purpose of this Act.

(2) The Agency shall consist of:—

(a) Secretary, Ministry of Health and Family Welfare — *ex-officio*, Chairperson;

(b) Chairperson, National Commission for Women—*ex-officio* member;

(c) Secretary, Ministry of Women and Child Development —*ex-officio* member;

(d) Secretary, Ministry of Social Justice and Empowerment—*ex-officio*, member;

(e) Secretary, Ministry of Human Resource Development—member; and

(f) two persons, with experience of at least fifteen years in the social sector, one of whom shall be a women;

(3) The Central Government shall appoint such number of officers and staff as it considers necessary for the functioning of the Agency.

(4) The salary and allowances payable to and terms and conditions of services of the members, officers and staff of the agency shall be such as may be prescribed.

**4. The Agency shall:—**

(a) conduct nation-wise surveys at an interval of every five years to assess the growth in population and trends;

(b) ensure dissemination of proper information regarding safe family planning methods such as contraception and spacing between births;

(c) include in school curriculum a proper syllabus on the importance of population stabilization;

(d) formulate schemes to provide for education up to college level for the first child and to the second child only if gap between the two is greater than three years;

(e) establish recreational centres at panchayat level to host traditional art forms and also use them as medium to disseminate messages regarding family planning;

(f) undertake, promote and publish studies relating to the Indian population;

(g) conduct awareness campaigns relating to medical procedures regarding birth control; and

(h) undertake such other activities as may be prescribed by the Central Government.

**5. The Agency shall meet at such times and places and shall observe such rules of procedure in regard to transaction of business at its meetings as may be prescribed.**

**6. (1)** The appropriate Government shall establish Family Planning Quality Assurances Committees at the State and District level.

(2) The Committee shall,—

(a) ensure quality care in family planning services through accreditation of every hospital or clinic providing such services;

Constitution  
of a National  
Population  
Planning  
Agency.

Functions of  
the Agency.

Meetings of  
the Agency.

Establishment  
of Family  
Planning  
Quality  
Assurance  
Committees  
at State and  
District level.

(b) conduct regular inspections to ensure that services are disseminated in accordance with standards established by the committee; and

(c) establish a citizen's grievance redressal mechanism to assess into faulty disservice at any clinic or hospital.

**7.** Notwithstanding anything contained in any law for the time being in force, every person, who adopts the small family norm, shall be entitled to—

(a) one additional increment as incentive if the person is employed with the Central or the State Government;

(b) free healthcare at all the public healthcare institutions for the entire family;

(c) subsidised education for the children at public schools; and

(d) receive such other benefits as may be prescribed by the Central Government from time to time.

Incentive based population control measures.

**8.** The appropriate Government shall ensure that people have access to quality and affordable contraceptive devices, medicines and healthcare pertaining to family planning and matters incidental and consequential thereto.

Access of safe and voluntary family planning measures.

**9.** The appropriate Government shall—

(a) ensure that measures are taken to secure the right to education of good quality for women and girls, on an equal basis with men and boys, and that they complete a full course of primary education; and

(b) review efforts to improve and expand the education of girls and women at all levels, including at the secondary and higher levels, as well as vocational education and technical training, in order to, inter alia. achieve gender equality, empowerment of women and poverty eradication.

Access to quality education to the girl child.

**10.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, from time to time, provide requisite funds for carrying out the purposes of this Act.

Central Government to provide funds.

**11.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government, in consultation with the State Governments, may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

**12.** (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

#### STATEMENT OF OBJECTS AND REASONS

India is the third most populous country in the world despite the fact that it was the first country to enact a national population control policy. Conversely, India's population has grown steadily since independence. Studies suggest that the country could surpass China's population by the year 2030, therefore, becoming the most populous country in the world.

A high human population can impact natural resources and social infrastructure, which in turn places pressure on a country's sustainability. Indian population accounts for twenty per cent. of the total world population, however, the Indian land area is only 2.5 per cent. of the total. In a developing country such as India where a large section of the population still lives in abject poverty with little to no resources, the need for stabilization of the population growth becomes crucial. A stabilised population ensures that every citizen can get access to the right amount of resources to live a life of dignity.

Adopting a rights-based approach, the need is to provide for voluntary and safe access to family planning services. The increase in access will empower women. Additionally, access to these services allows spacing of pregnancy which can reduce pregnancy related health risks in women. It would also ensure that the infant is healthier thereby reducing infant mortality rate in the country. Therefore, a comprehensive policy for population stabilisation can help in moving towards a healthier population.

NEW DELHI;  
*November 19, 2018.*

ANURAG SINGH THAKUR

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of a National Population Planning Agency. It also provides for appointment of persons with experience in social sector as members, officers and staff to the Agency. Clause 6 provides for establishment of Family Planning Quality Assurances Committees at the State and District level by the appropriate Governments. Clause 7 provides for certain incentives for small family norm. Clause 8 provides for access to quality and affordable contraceptive devices, medicines and healthcare pertaining to family planning. Clause 9 provides for access to quality education to the girl child. Clause 10 provides that the Central Government shall provide requisite funds carrying out the purposes of the Act. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees two thousand crore per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees two hundred crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 247 OF 2018

*A Bill further to amend the Air (Prevention and Control of Pollution) Act, 1981.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Short title and commencement.

**1. (1)** This Act may be called the Air (Prevention and Control of Pollution) Amendment Act, 2018.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

14 of 1981.

**2.** After section 28 of the Air (Prevention and Control of Pollution) Act, 1981, the following section shall be inserted, namely:—

Insertion of  
new section  
28A.

Monitoring  
Stations and  
Action Plan.

**“28A.** (1) The Central Government shall install and commission Continuous Ambient Air Quality Monitoring Stations (hereinafter referred to as CAAQM Stations) by August 15, 2022 in all cities across the country having population of more than one lakh according to the latest Census and in such industrial or mining towns as the respective State Governments may, specify.

(2) The Central Government may, after consultation with the Central Board, by notification in the Official Gazette, declare technical specifications for CAAQM Stations.

(3) It shall be the responsibility of every urban local body of cities or towns having CAAQM Station to prepare a region-specific Graded Response Action Plan (GRAP) based on Air Quality Index (AQI) before such date as may be notified by the State Government.”.

### STATEMENT OF OBJECTS AND REASONS

According to the WHO, Global Ambient Air Quality Database (2018), the rank of India is fourteenth amongst the world's twenty most polluted cities in terms of PM 2.5 concentrations. Also, environmental health in India is the worst amongst one hundred eighty nations according to the 2018 Environmental Performance Index (EPI).

This rising pollution of air has been due to vehicular emissions, industrial emissions, construction activities, burning crop stubble and biomass, etc.

As air quality has declined, the risk of stroke, heart disease, lung cancer, and chronic and acute respiratory diseases, including asthma, has increased among the citizens. Smog has become a daily phenomenon in several Indian cities, causing sore throat, irritation in eyes, dizziness. Lakhs of Indian succumb to premature deaths due to air pollution annually. The deteriorated quality of air has resulted in a situation of undeclared public health emergency.

Protecting citizens from the pangs of air pollution is both a moral and legal obligation of the Government. Our Constitution provides that the State shall endeavour to improve public health (article 47) and to protect and improve the environment (article 48A). In various cases, the Supreme Court has also observed that Right to Life under article 21 includes Right to Pollution Free Air.

However, to address the problem of air pollution, its real-time monitoring is the crucial first step. Continuous Ambient Air Quality Monitoring (CAAQM) Stations measure air pollutants and generate Air Quality Index (AQI). AQI is useful for:—

- (i) general public to know air quality in a simplified way;
- (ii) policy makers and politicians to invoke quick actions;
- (iii) decision makers to know the trend of events and to chalk out corrective pollution control strategies; and
- (iv) government officials to study the impact of regulatory actions.

At present, there are around one hundred thirty CAAQM Stations in India spread across seventy cities. There is an urgent need to expand its coverage to all major cities and industrial and mining towns of India.

Second logical step should be to take specific actions for mitigation in response to the AQI, according to a region-specific Graded Response Action Plan (GRAP). GRAP may be given more teeth by introducing, in the rules, some form of green-tax on emissions from polluting entities like industries, power plants, etc.

Hence this Bill.

NEW DELHI;  
November 20, 2018.

PRABHAS KUMAR SINGH

#### FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that the Central Government shall instal and commission Continuous Ambient Air Quality Monitoring Stations in all cities across the country having population of more than one lakh and in such industrial or mining towns as the respective State Governments may specify. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of about rupees one hundred crore from the Consolidated Fund of India.

A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

## BILL NO. 221 OF 2018

*A Bill to provide for constitution of National Sports Development Commission for the overall development of sports, improving the quality of basic sports facilities in the country and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Short title,  
extent and  
commencement.

**1. (1)** This Act may be called the National Sports Development Commission Act, 2018.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

**2.** In this Act, unless the context otherwise requires,—

Definitions.

- (a) "Commission" means the National Sports Development Commission constituted under section 3;
- (b) "Fund" means the Sports Development Fund Constituted under section 7;
- (c) "sports" means all types of sports played at National and International level; and
- (d) "prescribed" means prescribed by rules made under this Act.

**3. (1)** The Central Government shall, by notification in the Official Gazette, constitute a Commission to be known as the National Sports Development Commission for carrying out the provisions of this Act.

Constitution  
of National  
Sports  
Development  
Commission.

(2) The National Sports Development Commission shall consist of:—

- (a) a Chairperson;
- (b) five members;
- (c) such number of experts associated with the field of sports as may be necessary for development of all sports; and
- (d) ex-sports persons having recognition as advisors and who have represented the country,

to be appointed by Central Government in such manner as may be prescribed.

(3) The Central Government shall provide such number of officers and staff as may be required along with technical Experts to the Commission for the effective management and functioning of the Commission.

(4) The salary and allowances payable and other terms and conditions of appointment of the Chairperson, members, experts, advisors and officers and staff of the Commission shall be such as may be prescribed.

**4.** Every State Government shall send detailed information to the Commission with regard to the following:—

Obligation of  
State  
Governments  
to send  
information  
about sports  
and players to  
the Commis-  
sion.

- (a) total number of National and International level players participated in sports events in the State;
- (b) participation of the State in different sports at National and International level and corresponding results;
- (c) level of basic facilities related with sports in the State;
- (d) exploring the potential of fresh talents in rural areas; and
- (e) making list of popular sports competitions and their results at State level.

**5. (1)** The Commission shall, after obtaining information from all the States regarding different sports and players in the State, from time to time shall, make the following suggestions to the State Governments:—

Suggestions to  
the State  
Governments.

- (a) expansion of the scope of the sports and achieving excellence at National and International level;
- (b) development of structural frame work currently working and improving its quality;
- (c) providing assistance to the National Sports Federations and other Institution associated with sports;
- (d) strengthening the sports by imparting training in sports;

(e) encouraging the players associated with sports at all levels;

(f) encouraging the participation of women, backward tribals and budding youth at rural level; and

(g) encouraging the interest of people towards all types of National Sports.

(2) The Central Government shall, for the purposes of sub-section (1), appoint a group of experts to analyse and study the assistance and resources being provided by it to the Commission.

**6.** The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as Sports Development Fund for implementing the provisions of this Act.

**7.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

**8.** The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

**9. (I)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Constitution  
of Sports  
Development  
Fund.

Power to  
remove  
difficulty.

Act to have  
overriding  
effect.

Power to  
make rules.

#### STATEMENT OF OBJECTS AND REASONS

In a vast country like India, there is no dearth of talent but despite having so many talented persons, we have not been able to establish as a sports power at the international level. Except one or two sports, we are unable to perform according to our talent. There has been some improvement today in the field of football and olympic events as compared to previous years, but still there is scope of improvement in this regard.

The need is to establish a National Sports Development Commission to give due attention to the issues related with all round development of sports in the country and especially the talents in rural areas and women players. A framework is required to be prepared in order to improve the performance of India in the competitions organised at International level. Till now, only some selected categories of sports have got special attention in the country due to which hidden talents in various fields of sport has found it difficult to make much headway. All categories of sports require equal attention in addition to strengthening of basic infrastructure of sports in the country.

The Bill, therefore, seeks to establish a National Sports Development Commission for the overall development of sports, improving the quality of basic sports facilities in the country and to make India as a sports power.

The Bill seeks to achieve the above objectives.

NEW DELHI;  
*November 20, 2018.*

NIHAL CHAND CHAUHAN

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for establishment of a National Sports Development Commission for improving the quality of basic sports facilities and development of sports in the country. It also provides for appointment of Chairperson, members, experts and advisors and officers and staff to the Commission. Clause 5 provides for appointment of group of experts. Clause 6 provides for the constitution of a Sports Development Fund. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees hundred crore per annum will be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees two hundred crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL No. 234 OF 2018

*A Bill further to amend the Right of Children to Free and Compulsory Education Act, 2009.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

**1. (1)** This Act may be called the Right of Children to Free and Compulsory Education (Amendment) Act, 2018.

Short title  
and  
commencement.

**(2)** It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of  
new section  
24A.

**2.** In the Right of Children to Free and Compulsory Education Act, 2009 (hereinafter referred to as the Principal Act), after section 24, the following section shall be inserted, namely:—

35 of 2009.

Framework for  
performance-  
linked  
incentives,  
teacher  
accountability  
and ensuring  
quality.

**“24A.** The appropriate Government shall introduce a system or framework for payment of performance-linked incentives to teachers over and above their gross salary, based on fair and acceptable metrics which may include the following parameters, namely:—

- (a) biometric attendance and punctuality of the teacher;
- (b) fulfilment of duties specified under sub-section (1) of section 24;
- (c) improvement in students' learning outcomes;
- (d) satisfaction of the students based on certain criteria including interactive pedagogy and engaging activities deployed by the teacher in the classroom and attendance of students;
- (e) feedback from the School Management Committee; and
- (f) such other parameter (s) as may be prescribed.”.

Amendment of  
section 28.

**3.** In section 28 of the principal Act, the following proviso shall be inserted at the end, namely:—

“Provided that any teacher who engages in private tuition or private teaching activity with the purpose of making pecuniary gains shall be liable to a fine as determined and notified by the appropriate Government.”.

Amendment of  
section 29.

**4.** In section 29 of the principla Act, in sub-section (1), the following proviso shall be inserted, namely:—

“Provided that the curriculum for classes seventh and eighth shall include short modules on soft skills, digital literacy, sex education and menstrual hygiene for girls.”.

#### STATEMENT OF OBJECTS AND REASONS

The Right of Children to Free and Compulsory Education Act, 2009 (RTE Act) was a landmark legislation to implement the Fundamental Child Right enshrined in the article 21A of the Constitution. However, after almost a decade, there is a need to review and amend this Act, to align it according to the changing needs of the time and to plug some loopholes.

While Gross Enrolment Ratio at elementary level is commendable, learning outcomes are poor as highlighted by National Achievement Survey (NAS) conduct by National Council of Educational Research and Training. Learning outcomes, to a great extent, are dependent upon the quality of education imparted by the teachers. The Supreme Court has also said that “right to education is right to quality education”. Furthermore, lack of interest among students towards school education, which is largely due to unsatisfactory quality of teaching by teachers, is cited as one of the major reasons for dropouts.

However, at present RTE Act does not provide any system to incentivize teachers to put extra efforts in improving their teaching quality. Thus, a new framework for payment of Performance-linked Incentives to teachers over and above their gross salary, based on fair and acceptable metrics, is desirable, such a framework would address, to an extent, the issue of teachers’ accountability, education quality and high dropouts. It would also be in-line with the Seventh Central Pay Commission’s recommendation of linking remuneration with performance of Government employees and the introduction of performance related pay based on annual appraisal of the employee. In addition, this would effectively increase salary/remuneration of a good teacher, thus would make teaching profession more attractive for the talented youth of our country.

Presently, section 28 of the Act only mentions that no teacher shall engage himself or herself in private tuition or private teaching activity. However, the Act does not spell out any punishment or fine in case of violation of this provision, thus rendering the section 28 ineffective in checking the rise of private tuitions by school teachers. Culture of private tuitions by teachers has led to a situation where teachers are not motivated to give their best in the classroom itself. Therefore, a fine should be imposed on teachers engaging in private tuitions with profit motives.

Finally, apart from the regular academic subjects, the curriculum shall also contain such areas (like digital literacy and soft skills) that have great practical utility today. Moreover, since classes seventh and eighth roughly correspond to the onset of puberty in both boys and girls, inclusion of teaching modules on sex education and menstrual hygiene in the curriculum may help in ensuring their proper health and development.

Hence this Bill.

NEW DELHI;  
November 24, 2018.

PRABHAS KUMAR SINGH

#### FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for introduction of payment of performance-linked incentives to the teachers over and above their gross salary. The Bill therefore, if enacted would involve expenditure from the Consolidated Fund of India. A recurring expenditure of about rupees one hundred crore is likely to be incurred per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees fifty crore is likely to be involved.

## BILL No. 260 OF 2018

*A Bill to provide for implementation of two child norm to improve the standard of living of citizens especially that of women and empower them, stabilize country's population in order to achieve the goal of development in accordance with country's resources while achieving the Sustainable Development Goals, 2030 of United Nations Organization, provide a graceful, safe and paucity free life for the forthcoming generation and to provide pure water, clean air and hygienic food for ensuring Right to Life as guaranteed under article 21 of the Constitution and for matters connected therewith.*

BE it enacted by the Parliament in the Sixty-ninth Year of the Republic of India as follows:—

**1. (1)** This Act may be called the Responsible Parenthood Act, 2018.

Short title,  
extent and  
commencement.

(2) It extends to whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2.** In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of the State and in all others cases, the Central Government;

- (b) "Committee" means District Population Planning Committee constituted under section 6;
- (c) "living child" means a naturally born child;
- (d) "National Authority" means the National Population Planning Authority constituted under section 4;
- (e) "parent" means father or mother whether biological, adoptive or step father or step mother, as the case may be;
- (f) "prescribed" means prescribed by rules made under this Act;
- (g) "Provincial Authority" means the Provincial Population Planning Authority constituted under section 5; and
- (h) "small family" means a family with two living children or one living child.

Responsibility  
of Parent for  
upbringing of  
more than  
two living  
children.

**3. (1)** No person shall, after a period of ten months from the date of commencement of this Act, procreate more than two living children.

(2) If any person procreates third child after having two living children, such person shall be responsible for upbringing of that child without any facility from the Government.

Constitution  
of National  
Planning  
Authority.

**4. (1)** The Central Government shall, within six months from the date of commencement of this Act, by notification in the Official Gazette, constitute a National Authority to be known as the National Population Planning Authority for carrying out the purposes of this Act.

(2) The National Authority shall consist of:—

- (a) Secretary, Union Ministry of Health and Family Welfare—Chairperson, *ex-officio*;
- (b) Secretary, Union Ministry of Women and Child Development Member, *ex-officio*;
- (c) Secretary, Union Ministry of Social Justice and Empowerment—Member, *ex-officio*;
- (d) Secretary, Union Ministry of Human Resource Development—Member, *ex-officio*; and
- (e) four other members working in the field of population stabilization having a minimum of ten years of experience, to be appointed by the Central Government in such manner as may be prescribed:

Provided that at least two members appointed under clause (f) shall be women.

Constitution  
of Provincial  
Population  
Planning  
Authority.

**5. (1)** The appropriate Government shall, within eight months from the date of commencement of this Act, by notification in the Official Gazette, constitute a Provincial Authority to be known as the Provincial Population Planning Authority in every State and Union Territory, for carrying out the purposes of this Act.

(2) The Provincial Authority shall consist of:—

- (a) Secretary, Ministry of Health and Family Welfare, in the State Government—Chairperson, *ex-officio*;
- (b) Secretary, Ministry of Women and Child Development, in the State Government—Member, *Ex-officio*;
- (c) Secretary, Ministry of Social Justice and Empowerment, in the State Government—Member, *ex officio*;
- (d) Secretary, Ministry of Human Resource Development in the State Government—Member, *ex officio*; and

(e) four other members working in the field of population stabilization having a minimum of ten years of experience, to be appointed by the appropriate Government in such manner as may be prescribed:

Provided that at least two members appointed under clause (f) shall be women.

**6. (1)** The appropriate Government shall, within ten months from the date of commencement of this Act, by notification in the Official Gazette, constitute a district Population Stabilization committee at the district level under its jurisdiction for carrying out the purposes of this Act.

Constitution  
of District  
Population  
Stabilization  
Committee.

(2) The District Population Stabilization Committee shall consist of:—

- (a) District Magistrate-Chairperson, *ex-officio*;
- (b) Chief Medical Officer-Member, *ex-officio*;
- (c) Chief Development Officer-Member, *ex-officio*;
- (d) Additional District Officer, Finance- Member *ex-officio*; and

(e) four other members working in the field of population stabilization having a minimum of five years of experience, to be appointed by the appropriate Government in such manner as may be prescribed:

Provided that at least two members appointed under clause (e) shall be women.

**7.** The National Authority, Provincial Authority, District Population Stabilization Committee, as the case may be, under their respective jurisdiction shall—

Functions of  
the Authority.

(a) ensure that a candidate contesting elections at any level including the elections to either House of Parliament or State legislature, District Panchayats, Block Panchayat, Village Panchayat, Municipal Corporation, Municipal Committees, Cooperative Committee or Sugar Committee or elections to any other such bodies shall not have more than two living children;

(b) implement two child norms for—

newly appointed persons in Government jobs whether permanent, temporary or on contract basis; and

(c) ensure that persons already serving in Government offices, whether permanent, temporary or on contract basis, and having two living children on the date of commencement of this Act do not procreate more than two living children.

(d) implement two child norms for those persons who are serving in any capacity in any firm, company, organisation, Institute or Trust including co-partner, partners, shareholders, Directors and members of such firm, company, organisation or Institution and entering into any contract as contractor or dealing with Government offices;

(e) implement two child norms for all persons who applies for any type of certificate, licences, no objection certificate or enter into any contract with Government for any new business including trade or setting up of industry;

(f) ensure inclusion of two child norm in all Government welfare schemes except for welfare schemes meant for new born child including mid-day meal, education and health;

(g) ensure that any couple who violates the provisions of this Act, is not eligible to exercise his right to vote in any election;

(h) if any couple after having two living children procreates third living child and more, such couple shall not be provided any incentive and liable for such disincentives as may be decided by the appropriate Government; and

(i) if any couple after having two living children maintain the two child norms, such couple shall be provided incentives by the appropriate Government in such manner as may be prescribed.

## Exceptions.

**8. (I)** If there is untimely death of one or both children, the couple shall have the right to procreate two living children.

(2) If any or both children are physically disabled, the couple shall have the right to procreate another two living children.

(3) If either of parent re-marries after divorce, in such case,—

(i) if any woman has two children from previous marriage or marriages and has the legal right of custody of those children with her, such woman shall not have any right to procreate any child on re-marriage; and

(ii) If a man marries with spinster or childless woman, such couple shall have the right to procreate two living children.

(4) if a divorcee or widower marries a spinster or a childless woman and has the legal right of custody of two children from previous marriage or marriages such couple shall have right to procreate one living child.

(5) if a divorcee or widow re-marries with a person who has the legal right of custody of children from such previous marriage or marriages, such couple shall have right to procreate one living child:

Provided that if a couple have twins or more than two living children during first time, such couple shall not have the right to give birth to a new child:

Provided further that if a couple has two living children and intends to adopt one or more than one child, such couple shall have right to adopt as many number of children as they desire.

**9.** The provisions of this Act shall apply to all non-resident Indians who intend to come back and settle in India.

## Application of Act to non-Resident Indians.

**10. (I)** If a couple intends to have more than two living children, such couple shall subject to such exceptions as may be prescribed, apply to the District Population Planning Committee for necessary permission in such form and manner as may be prescribed.

## Application to District Population Planning Committee to give birth to more than two living children.

(2) The District Population Planning Committee shall,—

(a) upon receipt of an application under sub-section (I), examine the reasons furnished by the applicant and inform about its decision within a period of one month to the couple in such manner as may be prescribed; and

(b) afford an opportunity of being heard to the couple before disposing of application, if it is not satisfied with reasons furnished by the couple for procreating more than two living children.

(3) If the couple is not satisfied with the decision of the District Population Planning Committee, such couple may file an appeal before the Provincial Authority.

(4) If the couple is not satisfied with the decisions of the Provincial Authority, such couple may file an appeal before the National Authority.

**11.** Whoever violates the provisions of this Act shall not be eligible to get any facility under any scheme of the Government and shall also be liable to pay fine of ten per cent of his annual income or rupees fifty thousand whichever is higher.

## Penalty.

**12.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds for carrying out the purposes of this Act.

Central  
Government to  
provide  
adequate funds.  
Power to  
remove  
difficulty.

**13.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

**14.** The provisions of this Act shall have overriding effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Act to have  
overriding  
effect.

**15. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to  
make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

### STATEMENT OF OBJECTS AND REASONS

The root cause of majority of the problems being faced by the country is uncontrolled growth of population. At the time of independence our country has population of thirty-six crores. Today, it has increased exponentially and is now approximately one hundred and forty two crores. India has only 2.4 *per cent.* landmass of the world, upon which eighteen *per cent.* of the world's total population resides. Due to population density being in excess of established norms, not only the exploitation of natural resources available in limited quantities taking place at a reckless pace, but also the charm between demand and supply is widening day by day.

In spite of achieving outstanding success in areas of industrialisation, science and technology, the task of fulfilling the basic needs of all the citizens of the country has become extremely tough and challenging. Due to excessive population, all State Governments and the Government of India are facing grave difficulties in providing quality education, health, clean environment, employment to all the people of this country.

Due to continuous exploitation of natural resources, water of almost all the rivers of the country like the *Ganga, Yamuna, Narmada* and *Brahmaputra* has become severely polluted. The population explosion has destroyed even other human beings, forests and fills etc. Nature is constantly losing its balance. During the last year, through an article Stephen Hawking says "....humans have 100 years to move to another planet" published on 4th May, 2017 in world famous Time Magazine. Efforts were made to realise the world about the warning of late Prof. Stephen Hawkins. Prof. Hawkins was of the belief that the pace at which world population is increasing their side effects would be equally horrible and would increase at a similar pace.

During the next hundred years, a new planet will be needed for humans to live in. Explaining the reasons in detail, the chief reasons cited by Prof. Stephen Hawking are climate change, collision of satellites, epidemics and population explosion. We cannot refute this fact of a contemporary, respected and all sections accepted scientist and Prof. Hawkins.

Excessive population was cited as the biggest danger by fifty Nobel Prize winner scientists in a programme organised by Times Higher Education in August, 2017 in Singapore. Following the sequence, in November, 2017, twenty thousand scientists around the world had signed a letter calling excessive population on the biggest problem of contemporary world. In the year 1992, for the first time, when world population was more than three hundred crores, even then, one thousand and seven hundred scientists around the world had cited burgeoning population as the biggest concern and had suggested to control and balance it.

In the year 1968, Foreign Policy Association, on the occasion of its 15th anniversary, had invited thousands of scientists from across the world to participate in a three day programme organised on the issue of world picture during next fifty years, where all the three day studies and suggestions of participant scientists were compiled in a book entitled "Towards the year 2018". Today, if we read that book, then we will find that by ignoring the suggestions of those scientists, we are currently aspiring and desiring for a fifty year old life and environment.

Rising above party politics, several enlightened and awakened parliamentarians, had presented Private Member Bills regarding population control. From the time of freedom attainment till now, around thirty four Private Member Bills have been introduced regarding population control, and of which maximum Bills were presented by fifteen Congress Member of Parliaments. Also various Member of Parliaments including seven from BJP, five from TDP, two from AIADMK and one each from Trinamool Congress, RSP, Samajwadi Party, MNS and RJD had presented Private Member Bills in connection with population control. But not even once discussion could take place in Parliament on such a serious issue.

In context of above, the then Minister of Health and Family Welfare, Late Shri M.L. Fotedar had introduced 79th Constitutional Amendment Bill, 1992 in Tenth Lok Sabha in year 1992 and it was brought in Rajya Sabha, also in the same year, that is still pending. Recently, a memorandum was given to Hon'ble President by one hundred and twenty five parliamentarians. In spite of that, whenever a question regarding population control is asked in the Parliament, then it has been repeatedly asserted by Government of India citing I.C.P.D. (International Conference for Population and Development) that India is bound to its rules due to which population control law cannot be enacted.

In the year 2015, in the reply of the question regarding population control asked by hon'ble members of this same Parliament, Shri J.C. Reddy and Shri Parvesh Sahib Singh, Government had again repeated the old reference of I.C.P.D. (International Conference for Population and Development). Also, in the year 2017, in response to the questions of hon'ble parliamentarians, Shri Suresh Paddapalli and Shri Uday Pratap Singh, same reasons were repeated. But after examination of I.C.P.D., it was found that if Government wishes, then even after following the limits of I.C.P.D., India may enact an effective law in this regard and the declaration letter of I.C.P.D. does not limit in any way the freedom of any country to take actions for adopting population control and family planning measures for its people in accordance with its legal provisions and culture and is in accordance with the closing statement of I.C.P.D.

Taxpayers are caretakers of this country and if they, themselves, start agitating for raising their voice regarding their rights, then it would have an adverse impact upon national economy. It has happened for the first time in independent India that the caretakers of this country have expressed their inability for nurturing this ever increasing population of the country. Therefore, there is a need to seriously consider such voices.

According to 2011 Census, more than sixty five *per cent* (currently ninety crore population of India) is below thirty five years of age. If India today itself succeeds in bringing its population down to replacement rate, even then, during the coming thirty five years, total ninety crore children will take birth. If we look towards this fact in a simple way, then according to 2011 Census, nearly two crore and forty lakh children are born in India annually and on other hand, approximately eighty eight lakh people die. That means, every year there is an increase of about 1.5 crore in population figures that is bound to increase continuously.

Whereas the Central Government had declared that 100th crore child was born on 11th May 2000 in Safdarjung Hospital in Delhi, whose name is Aastha Arora. In the year 2000, population of one hundred crore has now increased to one hundred and thirty six crore, according to government figures. That is, a growth of two crore per annum. This fact does not match with the 2011 census data in any case.

If we study the figures, pertaining to total number of Aadhaar cards generated till date *i.e.* 1,22,12,49,465 total population not having Aadhaar cards in cell age groups *i.e.* 14,69,17,160, the total population falling below eighteen years of age threshold and devoid of Aadhaar cards *i.e.* 14,34,55,416 total population above the eighteen year threshold and devoid of Aadhaar cards *i.e.* 2,56,31,986. Remaining population in many States, where Aadhaar card generation has not reached to one hundred per cent *i.e.* 70,99,69,104. Out of that 3.63 per cent and total population having Aadhar cards *i.e.* 2,57,71,878, then we come to know that still one hundred and forty two crore population are left to get Aadhaar cards. Therefore, it becomes clear from this fact that India has left China way behind in terms of population, about which, recently, claims have been made in a report published by China.

According to 2011 census, the total number of married women in India was 33,06,21,277 out of which 18,19,74,153 women were having two or less than two children. Whereas, even after the family planning programmes that have been going on for the last seventy years and spending 2.25 lakh crore (more than 20 lakh crore rupees as per current estimates) worth of taxpayers money since 1974 on family planning programmes. 15,76,47,124 women were having more than two children. Even after the constant publicity given to family planning programmes

for the last seventy years, there is such a big population of women giving birth to more than two children, then after 2011, during the next seven years, the population of India can be estimated and calculated easily even by a common person.

Whereas it is clear that today, population of India is one hundred and forty two crores and approximately sixty five per cent (ninety two crore) population is below thirty five years of age. If India today itself succeeds in bringing its population down to replacement level, even then during the coming thirty five years, minimum ninety crore children will be born as the death rate is rapidly decreasing due to improvement in health care facilities and also average age is increasing. But, even after that, if we, in place of eighty eight lakh people dying each year, suppose that with increase in population, in future, every year, average one crore people will die then during the next thirty five years, thirty five crore people will die. By decreasing the death rate of the population, during the next thirty five years, it is expected that there will be a sure shot increase of minimum fifty five crore in population of India. This makes clear that in the next thirty five years, population of India will be minimum two hundred crores. That is why, we would have to undertake special efforts in order to control the population of India.

Due to ever increasing population, the problems of poverty, unemployment, pollution, adulteration and crimes are also increasing by leaps and bounds. To avoid the tough situations of future. Government of India shall have to take special steps in the direction of population control on an urgent basis.

In the name of right to reproduction, we cannot throw the precious future and life of our crores of yet to born children into the den of darkness and such a horrible situation cannot be tackled only on the basis of awareness. Population stabilisation is extremely important keeping in mind the national interests. That is why along with awareness the need is also to have an appropriate legislation to check the rapid population growth in the country.

Hence this Bill.

NEW DELHI;  
*November 26, 2018.*

SANJEEV BALYAN

#### FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for constitution of National Population Planning Authority. It also provides for appointment of experts in population stabilization to the National Authority. Clause 5 provides for Constitution of Provincial Population Planning Authority. It also provides for appointment of experts in population stabilization to the Provincial Authority. Clause 6 provides for Constitution of District Population Stabilization Committee. Clause 14 provides for the Central Government to provide adequate funds. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees two thousand crore per annum would involve from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 of the Bill empowers the Central Government to make rules for carrying out the purposes of the bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 220 OF 2018

*A Bill to provide for banning of use of microbeads in cosmetic products and for matters connected therewith*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Short title,  
extent and  
commencement.

**1. (1)** This Act may be called the Ban on Use of Microbeads in Cosmetic Products Act, 2018.

(2) It extends to the whole of India

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2.** In this Act, unless the context otherwise requires:—

Definitions.

(a) 'microbeads' means a water-insoluble solid plastic particle that is less than five millimetres in size;

(b) "plastic" means material which contains as an essential ingredient a high polymer such as polyethylene terephthalate, high density polymers, vinyl, low density polyethylene, polypropylene, polystyrene resins or multi-material like acrylonitrile butadiene styrene, polyphenylene oxide, polycarbonate, polybutylene terephthalate;

(c) 'rinse-off cosmetic products' means any article, substance or mixture of substances intended to be rubbed, poured, sprinkled or sprayed on, or introduced into, or otherwise applied to, the human body or any part thereof, or any other areas, surface or thing for cleansing, beautifying, promoting attractiveness, or altering the appearance, other than for medical purposes or medical devices, and includes any article intended for use as a component of cosmetic, followed by prompt and specific removal of the product (or any residue of the product) by washing or rinsing with water, rather than leaving it to wear off or wash off, or be absorbed or shed, in the course of time;

(d) "prescribe" means prescribed by rule made under this Act.

**3.** Notwithstanding anything contained in any other law for the time being in force, no person shall use, manufacture, sell or trade in any rinse-off cosmetic product, which uses microbeads as an ingredient.

Prohibition on use of microbeads in any rinse-off cosmetic product.

**4.** Whoever violates the provision of this Act shall be punished with imprisonment for a term which may extend up to one year and/or with fine which shall not be less than rupees ten thousand but which may extend upto rupees fifteen thousand.

Penalty.

**5.** Where an offence punishable under section 3 has been registered, the Session Court having jurisdiction shall adjudicate within twelve months after the date on which evidence sufficient in the opinion of the prosecutor to justify the proceedings comes to their knowledge.

Time limit for prosecution of offence.

**6. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

#### STATEMENT OF OBJECTS AND REASONS

According to a study, a truckload of plastic finds its way into our oceans every minute. The extent of plastic pollution is so, that at the current rate of disposal of plastic into our oceans, there is expected to be more plastic in our ocean than marine life in terms of total weight. This raises an alarm, that we must pay heed to.

Increasing plastic chokes up the marine ecosystem—while larger chunks of plastic entrap and strangle marine life such as dolphins, turtles, whales and shark, smaller pieces of plastic are swallowed by smaller fish, crustaceans and even phytoplankton. This plastic consumption can accumulate as the food chain goes higher, thus potentially ending up in our very own food plate. Thus, instead of mitigating the effects of plastic pollution, the primary response to reducing marine pollution, is in reducing the amount of waste generated at the source, and this Bill seeks to address this fundamental problem.

Microbeads is one such category of plastic which account for a small percentage of plastic pollution in marine ecosystem. They measure from one micron, to five millimetre in size. Given their size, they are the hardest to be collected and recycled, as opposed to bulky plastic waste material that can be simply fished out, and thus are released into open oceans having escaped sewage treatment plants.

Microbeads from either by breaking down of larger fragments of plastic material, making them secondary plastic, they are also manufactured to be used in cosmetic products such as facial soaps or body bath scrubs etc. These products are not absolutely essential in our day-to-day life since they are mere beauty-enhancing products. Several Indian institutions have attested to the same, and the National Green Tribunal has issued several directives in this respect.

Thus, in its endeavour to make the country, plastic-free, this Bill intends to ban the production and use of primary micro beads in such personal care-products. It marks a beginning in this late-fight against micro plastic pollution in our oceans, and signals a reduced dependence on plastic for the 21st century India.

Hence this Bill.

NEW DELHI;  
November 26, 2018

A. P. JITHENDER REDDY

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is, therefore, of a normal character.

## BILL NO. 214 OF 2018

*A Bill to render certain enactments tagging nomadic, semi-nomadic and migrating tribes as habitual offenders or criminals by birth as inoperative.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

**1. (1)** This Act may be called the Declaring of Habitual Offenders Laws as Void Act, 2018.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2.** With effect from such date as the Central Government may, by notification in the Official Gazette specify, all laws in force in the territory of India or a part thereof tagging, naming, identifying or declaring, explicitly or implicitly, any nomadic, semi-nomadic or migrating tribe as habitual offenders or criminals by birth shall be void and shall always be deemed to have been void.

Short title and commencement.

Laws tagging naming or identifying nomadic, semi-nomadic or migrating tribe to be void.

### STATEMENT OF OBJECTS AND REASONS

The British colonialists, based on their past experiences of dealing with nomadic tribes in Europe, considered all wandering communities to be nuisance for public law and order. Combined with their misjudged understanding of the caste-system in India, they assumed that criminals beget criminals and thus, enacted the Criminal Tribe Act (CTA) in 1871, notifying certain tribes to be hereditary criminals excluding them from societal and economic reforms and subjecting them to severe State-sanctioned repression.

While the CTA was repealed post-independence, several States introduced Habitual Offenders' Act *circa* 1959 (HOA) through State Legislature, which essentially carried forward this vestige of the colonial era and further strengthens the stigma associated with the nomadic and semi-nomadic communities. This Act is currently enforced in ten Indian States—in Himachal Pradesh through the Himachal Pradesh Habitual Offenders Act (1969), in Karnataka through the Karnataka habitual offenders Act, (1961), in Andhra Pradesh and Telangana through the Andhra Pradesh Habitual Offenders Act (1962), in Gujarat through the Habitual Offenders Act (1959), in Maharashtra through the Bombay Habitual Offenders Act (1959), in Kerala through the Kerala Habitual Offenders Act (1960), in Punjab through the Restriction of Habitual Offenders Act (1918), and the Punjab Habitual Offenders (Control and Reform) Act (1952), in Rajasthan through the Habitual Offenders Act (1953) and in Tamil Nadu through the Restriction of Habitual Offenders Act, (1948).

Although the 'Criminal Tribes' were later re-classified as 'De-notified Tribes' (DNT) little was done to bring about substantial changes in their lives. The erstwhile Governments sought to alleviate their problems by haphazardly and inconsistently distributing them among the Scheduled Castes, Scheduled Tribes and Other Backward Classes categories crowded out by other dominant sections in their respective categories, the de-notified tribes sunk to the very bottom of the societal pyramid, as a result of which developmental policies and positive affirmation initiatives could not reach them.

The present Bill is of high importance since it fulfils the dual purpose and finally draws curtain on centuries of State-sanctioned repression of the nomadic and semi-nomadic tribes in India and function as a confidence-building measure in the Government machinery.

However, the need is to be necessarily accompanied with re-invigorated State-led reforms in addressing the outstanding developmental needs of the DNTs. Their very mode of life presents an inherent hurdle in them benefitting from welfare schemes—the lack of permanent residency is the biggest deterrent in bringing these communities in the mainstream society. Considering their precarious situation, it is urged to recognise them as separate entities in positive affirmation policies of the Government, while protecting their rights under, or in similar scope and spirit to, the provisions in the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act. Therefore, the repeal of the abovementioned Acts needs to be immediately followed by a new Act of the Parliament to address the reforms needed to empower the De-notified Nomadic and Semi-Nomadic Tribes.

NEW DELHI;  
November 26, 2018.

A. P. JITHENDER REDDY

## BILL NO. 219 OF 2018

*A Bill to impose a ban on the manufacture, storage, usage, sale, import, transport and distribution of plastic packaging and single use plastic items and to constitute a body to govern measures to treat plastic waste and for matters connected therewith.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

### CHAPTER I PRELIMINARY

**1. (1)** This Act may be called the Plastic Packaging (Regulation) Act, 2018.

(2) It shall extend to the whole of India, except to the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette appoint.

Short title,  
extent and  
commencement.

**2.** In this Act, unless the context otherwise requires,—

Definitions.

(a) "Authority" means the Plastic Packaging Regulation Authority constituted under section 6;

(b) "commodity" means any items which are subject to sale and includes all marketable goods and wares;

(c) "Extended Producer Responsibility" means the responsibility of a producer to treat the product at the end of its life;

(d) "multi layered packaging" means any material used or to be used for packaging and having at least one layer of plastic as the main ingredients in combination with one or more layers of materials such as paper, paper board, polymeric materials, metalized layers or aluminium foil, either in the form of a laminate or co-extruded structure;

(e) "plastic" means any material which contains as an essential ingredient a high polymer such as polyethylene terephthalate(PET), high density polyethylene, vinyl, low density polyethylene, polypropylene, polystyrene resins, multi-materials like acrylonitrile butadiene styrene, polyphenylene oxide, polycarbonate, polybutylene terephthalate;

(f) "plastic packaging" includes multi layered plastic packaging;

(g) "plastic waste" means the waste created by plastic discarded after its intended use;

(h) "plastic sheet" means sheet made out of plastic but shall not include plastic film or sheet used for agricultural or irrigation purposes;

(i) "prescribed" means prescribed by rules made under this Act;

(j) "producer" means any person engaged in the manufacture or import of plastic packaging, plastic sheets, plastic items including the items stated in Schedule or who uses plastic sheet or plastic packaging for packaging of any commodity and includes a brand owner;

(k) "recycling" means the treatment of plastic waste to convert it into another product or a raw material for the new product;

(l) "single use plastic" means plastic which may be used only and has to be disposed off after use;

(m) "waste pickers" means any individual or association of persons who are engaged in collection of plastic waste for recycling and treatment purposes; and

(n) "waste to energy plant" means a plant where plastic waste undergoes treatment and is converted into liquid or gaseous energy;

**3. (1)** This Act shall apply to—

Application of the Act.

(a) every person, body of person, company, partnership, institution, Government and non-Government organization, body corporate, producer, retailer, e-retailer, transporter, importer, wholesaler, hawkers, consumers, shopkeepers; and

(b) any public place, State and Central Government offices, ports and harbours, cinema halls, clubs, restaurants, shops, industrial units, commercial units, sports complex, religious institutions, tourist places, forest and reserved forest areas, educational institutions, marriage/celebration halls, or any such other place which the Central Government or the State Government as the case may be, notify.

**(2)** Nothing in this Act shall apply to—

(a) hospitals, maternity home, nursing home, dispensary, scientific research

laboratory, forensic science laboratory and educational institution imparting medical courses; and

(b) to any plastic packaging manufactured exclusively for export purpose against any export orders in Special Economic Zones.

## CHAPTER II

### PROHIBITION AND RESTRICTION OF PLASTIC PACKAGING

Prohibition on use of plastic packaging and single use items.

**4. (1)** Subject to the provisions of this Act, the manufacture, usage, import, sale whether retail or wholesale, transport, distribution or storage of plastic packaging, single use plastic items shall be prohibited from such time as notified in the Official Gazette but not before expiry of two years from the date coming into force of this Act.

*Explanation:*—For the purpose of this section, the word 'single use plastic' items includes the items as mentioned in the Schedule:

Provided that the Central Government may, by notification in the Official Gazette, amend Schedule by way of addition or deletion of the entries thereto.

(2) The manufacture, usage, import, sale, distribution or storage of polybutylene terephthalate (PET) and PETE bottles having capacity of not less than 0.5 liters made of food grade material shall be allowed provided that the producer of the same has an approved Extended Producer Responsibility Plan.

**5.** The producer shall, immediately after coming into force of this Act, undertake measures to phase out plastic packaging and replace it with a bio-degradable alternative which complies with the minimum standards as prescribed or any other bio-degradable alternative as notified by the Authority under sub-section (2) of section 7.

**6. (1)** The Central Government may appoint such number of officers with such designation as it deems fit for the purpose of this Act and may entrust to them such powers and functions under this Act.

(2) Any person who is appointed as an officer under sub-section (1) and is empowered by the Central Government in this behalf, if he has reason to believe that plastic packaging or plastic items as stated under section 4 are being manufactured, stored, transported or distributed in any premises contrary to section 4, may enter into and search such place, premise or vehicle.

(3) Where, as a result of the search made under sub-section (2), any plastic packaging items in contravention of section 4 are found, the authorized officer may seize such item and any other item which he may consider necessary under the provisions of the Act.

(4) The provisions of the Code of Criminal Procedure, 1973, relating to searches and seizures shall, so far as may be, apply to every search or seizure made under this section.

## CHAPTER III

### EXTENDED PRODUCER RESPONSIBILITY

Extended Producer Responsibility Plan.

**7. (1)** The producer shall draft an Extended Producer Responsibility Plan within six months of the Act coming into force which shall lay down the mechanism by which the producer shall ensure the safe treatment of their product at the end of its life.

(2) The Extended Producer Responsibility Plan shall, without prejudice to the foregoing, include the following, namely:—

(i) a take back system to collect discarded plastic packaging either by way of a deposit refund system or a voucher system or in any other manner deemed fit;

(ii) setting up of a collection and recycle centre, either by the producer themselves or on a contractual basis with a third party; and

(iii) engaging with waste pickers to streamline the waste into recycling or other treatment plants.

(3) The Extended Producer Responsibility Plan shall be sent to the Central Pollution Control Board for approval.

(4) If a producer fails to submit an Extended Producer Responsibility Plan within six months of this Act coming into force, then action shall be taken against such producer under Section 8 of the Act.

(5) The provisions of sub-section (1), (2) and (3) shall also apply to Government owned or funded entities.

**8. (1)** The Central Government shall, by notification in the official Gazette, constitute a Fund to be called the Extended Producer Responsibility Fund for improving the plastic waste treatment system and there shall be credited thereto.

(a) any grants and loans made by the Central Government or any State Government;

(b) any voluntary donations or contributions, whether or not for any specific purpose as may be decided upon by the Central Government;

(c) any fine recovered for the commission of an offence punishable under this Act;

(d) portion of the Corporate Social Responsibility (CSR) fund of the producer company as notified by the Central Government in the Official Gazette; and

(e) any other sums as may be received.

(2) The Extended Producer Responsibility Fund shall be utilized under this Act by the Central Government for—

(i) funding of any national or state level research study or project for development of innovative and efficient methods of treatment of plastic waste;

(ii) raising awareness regarding the impact of plastic waste and the benefits of recycling plastic waste and its substitution with bio-degradable alternatives;

(iii) funding of small scale recycling or waste to energy plants on a district level; and

(iv) any other activity that may be required for effective implementation of this Act.

Extended  
Producer  
Responsibility  
Fund.

## CHAPTER IV

### PLASTIC PACKAGING REGULATION AUTHORITY

**9. (1)** The Central Government shall, by notification in the Official Gazette, constitute an authority to be called the Plastic Packaging Regulation Authority, by notification for enforcing the provisions of section 4 and carrying out such other functions as laid down in the Act.

Constitution  
of Plastic  
Packaging  
Regulation  
Authority

(2) The head office of the Authority shall be at New Delhi.

(3) The Authority may establish its offices at such other place in India as may be prescribed.

(4) The Authority shall have a Chairperson and five other members to be appointed by the Central Government in such manner as may be prescribed.

(5) The Salary and allowances payable to, and other terms and conditions of service of and qualifications of the Chairperson and members shall be such as may be prescribed.

(6) The Chairperson and members shall hold the office for a period of five years or up to the age of sixty-five whichever is earlier.

(7) The Authority shall have the power to disburse the funds under the Extended Producer Responsibility Fund for any purpose as it deems fit for effective implementation of the provisions of this Act.

Functions of  
the Authority.

**10. The Authority shall,—**

(i) develop guidelines for the enforcement of the sections 4 and 5;

(ii) notify the type and kind of compostable or bio-degradable material to be used as alternative to the plastic packaging after consultation with Central Pollution Control Board;

(iii) seek report from the manufacturer and producer on the gradual phasing out of plastic packaging immediately after the Act comes into force until expiry of two years from such date;

(iv) draft a model Extended Producer Responsibility Plan after consultation with Central Pollution Control Board laying down the responsibilities of the manufacturer, producer and recycling units; and

(v) perform such other functions as may be prescribed.

## CHAPTER V

### PENALTIES

Penalties.

**11. Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules, orders, directions made or issued thereunder, shall for each of such failure or contravention be punished with fine which shall not be less than two thousand rupees and may extend up to two lakh rupees and with additional fine which may extend up to five thousand rupees for everyday during which such failure or contravention continues after conviction.**

Offences by  
companies.

**12. (1)** Where any offence under this Act has been committed by a company, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.—* For the purpose of this section,—

(a) "company" means anybody corporate and includes a firm or other association of individuals;

(b) "director", in relation to a firm, means a partner in the firm.

**13.(1)** Where an offence under this Act has been committed by any department of appropriate Government, the Head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offence by  
Government  
Department.

Provided that nothing contained in this section shall render such Head of the Department liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Department of appropriate Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the Head of the Department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

## CHAPTER VI

### MISCELLANEOUS

**14.** No suit, prosecution or other legal proceeding shall lie against the Central Government or any State Government or any officer or other employee of the Central Government or any State Government or any authority constituted under this Act or any member, officer or other employee of such authority in respect of anything which is done or intended to be done in good faith in pursuance of this Act or the rules made or orders or directions issued thereunder.

Protection of  
action taken  
in good faith.

**15. (1)** If the Central Government is of the opinion that it is necessary or expedient so to do in the public interest, it may, by order published in the Official Gazette, exempt any person or class of person from the operation of section 4.

Power to  
exempt.

(2) Every order made under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the order or both Houses agree that the order should not be made, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

**16.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the State Governments for carrying out the purposes of this Act.

Central  
Government  
to provide  
funds.

**17.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Overriding  
effect of the  
Act.

**18. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make  
rules.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## THE SCHEDULE

[*Section 4*]

The term single use plastic items shall include the following items which are made of plastic:

1. Cutlery which includes but is not limited to spoon, fork, plate, bowl, cups, straws;
2. Flag;
3. Banner;
4. Sheet;
5. Packet;
6. Container;
7. Wrapper;
8. Film.

#### STATEMENT OF OBJECTS AND REASONS

In 2017, 60 major cities in India were estimated to have produced 25,940 tonnes of plastic waste per day. Plastic, because of its structural qualities and ease of handling, has become an ubiquitous component of almost every market and industry. Plastic has paved the way for brands and products to cater to mass consumerism. But this commodity with its omnipresence has its own cost. Plastic, for all its qualities, is difficult to dispose off because unlike organic matters, it is not capable of decomposition. Because of its growing negative impact on the environment and especially the marine life, it is inevitable that plastic consumption patterns will have to undergo momentous change to ensure protection of the environment. One of the most efficient ways of doing that is to bring about a change in the way a commodity is presented to the customer. Plastic packaging, especially in the food industry, electronic industry, cosmetics etc. is consumed in massive numbers but has a very short shelf life and is not capable of bio-degradation. Although plastic can be recycled into other products or raw material, the system of waste collection in the country is not efficient since a large part of it is governed by the informal sector which leads to the plastic ending up in landfills and water bodies.

In order to tackle the nuisance of growing waste, several rules were notified under the umbrella of the Environment (Protection) Act, 1986. The Solid Waste Management Rules, 2016 and the Plastic Waste Management Rules, 2016 lay down the broader framework for efficient collection, segregation and treatment of the waste. This framework has to be supplemented and further strengthened by way of statutory mechanism which will enforce change in consumption patterns by reducing plastic at the source. Such statutory mechanism will ensure that the industry and market alike will substitute plastic with bio-degradable, sustainable alternatives. Similarly, with efficient treatment of the existing waste, the menace of solid waste can be tackled in a timely manner.

Hence this Bill.

NEW DELHI;  
*January 24, 2018.*

MEENAKASHI LEKHI

#### FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for appointment of Officers with the power of search and seizure. Clause 8 provides for constitution of an Extended Producer Responsibility Fund. Clause 9 provides for Plastic Packaging Regulation Authority. Clause 16 provides for Central Government to provide adequate funds for carrying out the provisions of the Bill. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure to the tune of rupees one hundred crore will be involved.

A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 18 of the Bill empowers the Central Government to make rules to give effect to the provisions of this Bill. As matters in respect of which rules may be made are matters of procedure and administrative detail and therefore, the delegation of legislative power is of a normal character.

**BILL NO. 240 OF 2018***A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

- 1.** This Act may be called the Constitution (Amendment) Act, 2018.
- 2.** After article 30 of the Constitution, the following article shall be inserted, namely:—

“31. Every citizen who lives below poverty line shall have the right to—

- (i) adequate healthcare;
- (ii) shelter;
- (iii) education upto the level of graduation;
- (iv) guaranteed employment; and
- (v) essential items of daily use at concessional rates.

Short title.

Insertion of new article 31.

Basic facilities to citizens living below poverty line.

*Explanation.*—For the purposes of this article,—

(i) “person living below poverty line” means such person whose monthly income from all sources is such as may be determined by the Union from time to time after taking into consideration all relevant factors as it may deem fit:

Provided that different criterion may be fixed for different classes of persons in various States and Union territories.

(ii) “guaranteed employment” means employment for a minimum period of two hundred and forty days in a year;

(iii) “essential items of daily use” includes fuel, items of groceries, vegetables, milk and other edible items necessary for a decent living.”.

#### STATEMENT OF OBJECTS AND REASONS

In our country a huge number of people are living below poverty line. Despite several measures to improve their lot, their standard of living has not shown any significant improvement. The people living below poverty line live in slums under miserable and unhygienic conditions. For want of adequate healthcare, many of them die in their early ages. They mostly remain illiterate. It is the duty of the Government to take care of the those sections of the society. The people living below poverty line should be given some basic facilities in order to enable them to lead a reasonably decent life. Therefore, it is proposed to amend the Constitution with a view to making it mandatory on the part of the State to provide certain facilities to persons living below poverty line.

Hence this Bill.

NEW DELHI;  
*November 28, 2018.*

OM PRAKASH YADAV

#### FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for certain facilities like education, health care, shelter and employment, etc. to people living below poverty line. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is likely that an annual recurring expenditure of about rupees five hundred crore will be involved.

A non-recurring expenditure to the tune of rupees one thousand crore is also likely to be involved.

**BILL No. 179 OF 2018***A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixty-ninth year of the Republic of India as follows:—

Short title.

**1.** This Act may be called the Constitution (Amendment) Act, 2018.

Insertion of  
new article  
275A.

**2.** After article 275 of the Constitution, the following article shall be inserted, namely:—

Grants from  
the Union to  
the State of  
Bihar.

**“275A.** Notwithstanding anything in article 275, there shall be paid out of the Consolidated Fund of India as grants-in-aid of the revenues of the State of Bihar such capital and recurring sums as may be necessary to enable the State to meet the costs of implementation of schemes for accelerated development of the State including development of infrastructure, generation of adequate employment opportunities and

for undertaking relief and rehabilitation measures in the flood and drought prone areas:

Provided that there shall be paid out of the Consolidated Fund of India a sum of rupees ninety thousand crore as one time grants-in-aid of the revenues of the State of Bihar and a sum of rupees thirty thousand crore every year to that State:

Provided further that such grants-in-aid shall be in addition to the annual allocation made by the Finance Commission to the State of Bihar and such other financial assistance as may be provided by the Government of India to that State:

Provided also that the grants-in-aid referred to in this article may be reviewed by the Government of India on the expiration of a period of five years from the commencement of this Act.”.

**3.** After article 371-J of the Constitution, the following article shall be inserted, namely:—

**“371K.** Notwithstanding anything in this Constitution, the President may by order made with respect to the State of Bihar, having regard to the requirements of the State as a whole for development, poverty alleviation, employment opportunities and other welfare measures for the people of the State, provide for:—

- (a) implementation of long term schemes for accelerated development of the State;
- (b) an integrated scheme for flood control particularly in respect of rivers originating in the neighbouring countries;
- (c) an integrated scheme for drinking water supply and irrigation in the drought prone areas of the State;
- (d) long term schemes for the development of infrastructure such as roads, highways, electricity, industries, sanitation, healthcare and such other projects; and
- (e) adequate facilities for technical education, vocational training, equitable opportunities for employment in services under the control of the Government and in private sector.”.

Insertion of new article 371K.

Special provision with respect to the State of Bihar.

#### STATEMENT OF OBJECTS AND REASONS

Bihar is strategically one of the most important States of the Indian Union, but unfortunately stricken with acute backwardness. Its underdevelopment and educational and social backwardness are mainly due to the consistent neglect by the Central Government and absence of good governance. Mother nature has also not been kind to this State, as half of the State is drought prone, while the other half is prone to floods. Bihar faces the fury of floods every year mainly from the rivers originating in the neighbouring country of Nepal. The State is inhabited by tribals, dalits and other socially and economically backward people and is facing numerous problems such as widespread unemployment and lack of industrial development due to very poor infrastructure. There has also been unprecedented rise in cases of various diseases mainly vector-borne diseases like malaria, filaria, kala azar, dengue, encephalitis, and other diseases like water-borne diseases, cancer, AIDS, heart ailments, etc. The road network of the State is in shambles and educational facilities are in a very poor shape particularly technical, medical and vocational education. Investment in the State, be it domestic investment or FDI, is dismal. There is no adequate infrastructure like power, irrigation, roads, railways, communication, etc., in the absence of which it is not possible to accelerate the growth and development of the State at the desired levels.

In the year 2008, the flood waters of the river Kosi originating in Nepal devastated a major part of the State as it breached its embankments displacing millions of people. Most of these displaced people are yet to be rehabilitated. Though the State Government is doing its level best to rehabilitate these displaced people and also to bring about overall development of the State, but this is not possible without the active support of the Centre as the State will require huge Central assistance. Therefore, rupees ninety thousand crore as grants-in-aid and additional rupees thirty thousand crore annually needs to be allocated to the State of Bihar for its overall development.

For this purpose new provisions are to be inserted in the Constitution to enable the Centre to release the required funds to the State.

Hence this Bill.

NEW DELHI;  
*November 28, 2018.*

OM PRAKASH YADAV

#### FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for grant-in-aid of the revenues of the State of Bihar for development activities. It also provides for one time grant-in-aid to the tune of rupees ninety thousand crore and rupees thirty thousand crore as recurring annual expenditure. Clause 3 provides for special provisions for the development of the State of Bihar. The Bill, therefore, if enacted, will involve a recurring expenditure of rupees thirty thousand crore per annum from the Consolidated Fund of India.

A non-recurring expenditure of rupees ninety thousand crore is also likely to be involved.

## BILL No. 191 OF 2018

*A Bill to make military training compulsory for all able-bodied citizens and for matters connected therewith.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Short title,  
extent and  
commencement.

**1.** (1) This Act may be called the Compulsory Military Training Act, 2018.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

**2.** In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in the case of a Union territory, the Central Government; and

(b) "person" means a citizen of India above the age of fourteen years but less than fifty years.

**3.(1)** The Central Government shall provide military training to all able-bodied persons for a period of not less than one year.

Compulsory  
military  
training.

(2) The Central Government shall establish such number of institutions and take such other necessary steps, as it may deem fit to give effect to the provisions of sub-section (1).

(3) Every person who successfully completes training under sub-section (1) shall be awarded a certificate to that effect by the Central Government.

**4.** The appropriate Government shall give preference to persons who have successfully completed their military training in services under defence, para-military forces and such other establishments and organisations, as it may deem fit, for proper utilization of talent:

Provided that all such persons, who, after successful completion of their military training remain unemployed, shall be given unemployment allowances at such rate, as may be determined from time to time, by the appropriate Government till they are gainfully employed.

Employment  
to those who  
have  
undergone  
military  
training.

**5.(1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to  
make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

#### STATEMENT OF OBJECTS AND REASONS

Almost all developing countries, even those smaller in size, population and resources than India, are providing compulsory military training to their citizens. Providing compulsory military training to able-bodied citizens does not in any way run counter to the ideal of international peace and harmony, which has been the hall-mark of India's foreign policy since independence. Military training does not necessarily encourage the pugnacity of individual or the belligerence of the nation-States. On the contrary it inculcates qualities of discipline and sacrifice and fosters in each individual the spirit of brotherhood and amity. A well integrated and a coordinated programme of military training would be immensely beneficial to channelise the vast energies of our youth and would lead to their all-round development and enhancement of the welfare of the nation. People can defend and safeguard their houses from robbery and dacoity which are increasing day by day. Many innocent people are murdered in broad day light. With extremist activities on the rise in the country and the Government being not able to provide adequate protection to general public, self-defence becomes a must for every individual.

The Bill, therefore, seeks to provide for compulsory military training to all able-bodied citizens.

NEW DELHI;  
*November 28, 2018*

OM PRAKASH YADAV

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall provide compulsory military training to all able-bodied persons for a period of not less than one year and for the purpose shall establish such number of institutions and shall take such other necessary steps, as it may deem fit. Clause 4 provides that persons who have undergone military training and remain unemployed shall be given unemployment allowance. The Central Government will have to incur expenditure in respect of the Union territories for carrying out the provisions of the Bill. The Central Government may also have to assist the State Governments for carrying out the provisions of this Bill. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of about rupees seven thousand crore per annum.

A non-recurring expenditure of about rupees one thousand crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only and as such the delegation of legislative power is of a normal character.

**BILL No. 175 OF 2018**

*A Bill to provide for voting rights and setting up of a National Commission for Non-Resident Indians for the purpose of providing assistance to them in the countries where they reside and work and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Short title and extent.

**1. (I)** This Act may be called the Non-Resident Indians (Voting Rights and Welfare) Act, 2018.

(2) It extends to the whole of India.

Definitions.

**2. (I)** In this Act, unless the context otherwise requires,—

(i) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(ii) "Commission" means the National Commission for Non-Resident Indians set up under section 5;

(iii) "Committee" means the Non-Resident Indian Coordination Committee set up under section 9;

(iv) "Corporation" means the Non-Resident Indians Rehabilitation Corporation set up under section 4;

(v) "Fund" means the Non-Resident Indians Assistance Fund set up under section 8;

(vi) "non-resident Indian" means any person who is a citizen of India and who stays abroad for employment or for carrying on any business or vocation outside India; and

(vii) "prescribed" means prescribed by the rules made under this Act.

**3.** Notwithstanding anything contained in any other law for the time being in force, every non-resident Indian shall have the right to vote in all elections to the House of the People, legislative assemblies of the States/Union territories and local bodies.

Right to vote  
for Non-  
Resident  
Indians.

**4. (1)** The Central Government shall constitute a Non-Resident Indians Rehabilitation Corporation in such manner as may be prescribed.

Non-Resident  
Indians  
Rehabilitation  
Corporation.

(2) The Corporation shall have a Fund to which shall be credited all monies received from the non-resident Indians by way of investment in such manner as may be prescribed.

(3) The Fund shall be utilized for projects aimed at rehabilitation of the non-resident Indians including projects relating to housing, health care, education or tourism.

**5. (1)** The Central Government shall, within three months from the commencement of this Act, set up a commission to be known as the National Commission for Non-Resident Indians.

National  
Commission  
for Non-  
Resident  
Indians.

(2) The Commission shall consist of:

(i) an eminent person having special knowledge or practical experience in the field of welfare of Non-Resident Indians : *Chairperson*;

(ii) three Members of Parliament—two from Lok Sabha and one from Rajya Sabha, to be nominated by the Presiding Officers of the respective Houses : *Members*;

(iii) three Members of Legislative Assemblies of the States from which large number of people work abroad, to be nominated by the Presiding Officers of the respective Assemblies of the States : *Members; and*

(iv) an eminent jurist and an eminent journalist to be nominated by the Central Government : *Members*.

(3) The Chairperson and other members of the Commission shall hold office for a period of three years.

(4) The salary and allowances payable to and other terms and conditions of service of the Chairperson and other members of the Commission shall be such as may be prescribed.

(5) The Commission shall have its head office in New Delhi.

(6) The Central Government shall provide such number of officers and staff to the Commission as is required for its efficient functioning.

(7) The salary and allowances payable to and other terms and conditions of service of the officers and staff of the Commission shall be such as may be prescribed.

Functions of the Commission.

**6. The Commission shall perform the following functions, namely:—**

(i) make recommendations to the Central Government regarding formulation of a welfare policy for the non-resident Indians;

(ii) study the problems being faced by the non-resident Indians and suggest measures to overcome them;

(iii) take steps for the promotion of social, economic and cultural interests of the non-resident Indians;

(iv) work out a method in coordination with other authorities for enabling non-resident Indians to exercise their right to vote during elections to the House of the People, Legislative Assemblies of the States and local bodies;

(v) work in coordination with the Embassies and High Commissions of India to solve the problems of the non-resident Indians in those countries; and

(vi) act as the nodal agency for all issues relating to non-resident Indians.

Commission to submit an annual report.

**7. The Commission shall submit an annual report on its functioning to the President who shall cause it to be laid in each House of Parliament within one month if Parliament is in session, and if Parliament is not in session, within ten days of the first sitting on commencement of the next session.**

Non-Resident Indians Assistance Fund.

**8. (1) The Central Government shall set up a Fund to be known as the Non-Resident Indians Assistance Fund.**

(2) The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.

(3) Such other sums as may be received by way of donation, contribution or assistance from non-resident Indians or otherwise shall also be credited to the Fund.

(4) The Fund shall be used for meeting the expenditure incurred in the implementation of measures undertaken for the welfare of non-resident Indians.

Every Embassy or High Commission to constitute a Non-Resident Indian Coordination Committee.

**9. (1) Every Embassy or High Commission of India shall constitute a Non-Resident Indian Coordination Committee to be headed by an officer not below the rank of First Secretary and two other officers having such qualifications as may be prescribed:**

Provided that at least one of the members of the Coordination Committee shall have knowledge of the mother tongue of the non-resident Indians living in that country.

(2) The Committee shall keep the details of all the non-resident Indians living in that country.

(3) The Committee shall render all assistance to the non-resident Indians in case of any problem including problem relating to their jobs, health care or in completion of all formalities in case of death.

(4) The Committee shall also render legal assistance to the non-resident Indians whenever required.

Block Development Officer to keep details of citizens going abroad.

**10. (1) The appropriate Government shall designate the Block Development Officer as the Nodal Officer in every Block to maintain a register for the citizens going abroad containing such details as may be prescribed.**

(2) It shall be the duty of every citizen going abroad for residence or work to register himself with the Nodal Officer appointed under sub-section (1).

**11. (1)** The appropriate Government shall appoint an officer not below the rank of District Collector in every district to compile the details of all the citizens residing within their respective jurisdiction and going abroad for residence or work and forward the same to the respective Embassy or High Commission of India, as the case may be, for information.

(2) It shall be the duty of every Nodal Officer so designated under sub-section (1) of section 10 to forward to the District Collector the details of citizens going abroad for residence or work in such manner as may be prescribed.

**12. (1)** The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act by the Government and every notification issued under section 13, shall be laid, as soon as may be after it is made or issued, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

District  
Collector to  
compile and  
forward the  
details of  
citizens going  
abroad to  
Embassies/  
High  
Commissions.

Power to  
make rules.

#### STATEMENT OF OBJECTS AND REASONS

There are millions of Indians working all over the world in different walks of life. They are the Non-Resident Indians (NRIs) whose contribution to our economy cannot be overlooked.

There are eminent scientists, information technology experts, engineers, doctors, nurses, teachers and large number of workers, both skilled and unskilled, among them. Their problems are varied and many. There is no comprehensive legislation for tackling their problems. This Bill is an attempt in that direction.

They are living in a foreign country and in case of any difficulty, they have to fend for themselves. If they fall ill, there is nobody to take care of them. If, unfortunately, they die, many formalities have to be completed about which their kins have no clue. Moreover, in case of any legal wrangle, they have no idea whom to approach for help. In case of their working conditions, pay, medical care, etc., there are many complaints and there is no mechanism with our foreign missions to take care and attend to their grievances.

On the other hand, it is very unfortunate that there is no mechanism in our country to keep record of citizens going abroad for work. In the absence of any data, it becomes difficult to formulate any policy for their welfare. Besides, the non-resident Indians have also been demanding voting rights for a long time.

In view of the above, it is proposed in the Bill to provide them right to vote and to set up a National Commission for Non-Resident Indians which will have mandate to work for the welfare of non-resident Indians. In addition, a non-resident Indians Assistance Fund is also proposed. It is also proposed to set up a Co-ordination Committee in every Embassy/High Commission of India with the purpose of looking after the welfare of the Indian citizens living there.

Hence this Bill.

NEW DELHI;  
*November 28, 2018.*

OM PRAKASH YADAV

#### FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the constitution of a Non-Resident Indians Rehabilitation Corporation. Clause 5 provides for setting up a National Commission for Non-Resident Indians. Clause 6 provides that the Commissions shall study the problems being faced by the non-resident Indians and take steps for tackling them. Clause 8 provides for setting up of a Non-Resident Indians Assistance Fund. Clause 9 provides for the constitution of Co-ordination Committee in every Embassy or High Commission for providing assistance to the Indians living in those countries. Clause 11 provides that the District Collector shall forward the details of Indian citizens going abroad for work to Embassies/ High Commissions concerned. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees one hundred crore will be involved per annum.

No non-recurring expenditure is likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is, therefore, of a normal character.

## BILL No. 228 OF 2018

*A Bill to provide for constitution of National Malnutrition Policy Commission and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Short title,  
extent and  
commencement.

**1.** (1) This Act may be called the National Malnutrition Policy Commission Act, 2018.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

**2.** In this Act, unless the context otherwise requires,—

(a) "Commission" means the National Malnutrition Policy Commission constituted under section 3;

(b) "Fund" means the malnutrition Fund constituted under section 7;

(c) "malnutrition area" includes malnutrition affected naxalite and backward tribal areas; and

(d) "prescribed" means prescribed by rules made under this Act;

**3. (1)** The Central Government shall, by notification in the Official Gazette, constitute a Commission to be known as the National Malnutrition Policy Commission for carrying out the purposes of this Act.

(2) The Commission shall consist of—

(i) a Chairperson;

(ii) a Vice-Chairperson;

(iii) five members from amongst persons of ability, expertise and standing having experience in the field of public health; and

(iv) two consultants from backward, tribal and naxal affected areas,

to be appointed by the Central Government in such manner as may be prescribed.

**(3)** The salary and allowance payable to and other terms and conditions of the services of the Chairperson, Vice-Chairperson, members and consultants shall be such, as may be prescribed.

**4. (1)** The Central Government shall provide such member of officers and employees alongwith technical experts as may be necessary for the proper coordination and functioning of the Commission.

(2) The salaries and allowances payable to, and other terms and conditions of service of officers, employees and technical experts shall be such as may be prescribed.

**5.** Every State Government shall provide detailed information to the Commission regarding:—

(a) total malnutrition affected areas earmarked by the State Government;

(b) detailed information of plans to eradicate malnutrition;

(c) detailed information of the plans started by the Central Government in the State to eradicate malnutrition;

(d) total number of backwards, tribals and malnourished persons; and

(e) detailed information of the total funds spent on welfare of backwards, tribals and malnourished persons.

**6. (1)** The Commission shall, on receipt of information from a State Government under section 5, appoint a team of experts to study the current status of the backward, tribal and malnutrition affected areas and , make recommendations to the States with respect to:—

(a) measures to solve the problems of underweight, anaemia and dwarfism at the time of birth in children of the malnutrition affected areas;

(b) access to health service for safe maternity, safe natal care and safe mother care in backward areas;

(c) improvement in the health awareness and education system in the tribal and naxalite affected areas of the country;

Constitution  
of the  
National  
Malnutrition  
Policy  
Commission.

Officers and  
employees  
of the  
Commission.

State  
Government  
to provide  
detailed  
information  
to  
Commission.

Functions of  
the  
Commission.

(d) effective implementation of the ongoing schemes to bring down child malnutrition by the Central Government.

(e) steps to eradicate prevailing diseases relating to malnutrition such as rickets and anaemia; and

(f) take preventive measures to overcome the incidence of malnutrition among children, pregnant women and lactating mothers.

(2) The team of experts appointed under sub-section (1) shall, at every six months, visit the malnutrition affected backward and tribal areas in the country and shall recommend measures to overcome malnutrition and for better utilization of the Fund.

(3) The Commission shall, on the basis of the report submitted by the team of experts, release adequate funds to a State Government for development of malnutrition affected backward and tribal areas.

**7.** The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Malnutrition Prevention Fund to implement the provisions of this Act.

**8.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty:

**9. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purpose of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule.

Malnutrition  
Prevention  
Fund.

Power to  
remove  
difficulty.

Power to  
make rules.

### STATEMENT OF OBJECTS AND REASONS

The biggest strength of any country is its public which means its human resource. The working population is considered as strength of that nation. India has always benefitted from this very feature, but there is a problem faced by India which is becoming a national challenge, *i.e.* malnutrition. The country has taken firm steps to end malnutrition, but due to the huge population of India the measures and plans undertaken in this direction are not enough. Now, India is capable enough to have sufficient store of grains and even then if a child remains malnourished it is a matter of concern. There are 4.7 crore malnourished children in India who are not able to display their full human potential. This means every four out of ten children are facing this very problem.

Malnutrition is a big hindrance on the country's way to development. In the 'Global Hunger Index' report presented in 2017, India slipped by forty-five positions and is ranked 100th in the Index. It is important that the Government and the Ministries concerned and institutions work hand in hand in order to uproot the problem like malnutrition.

The total numbers of malnourished people in India is approximately 19.50 crore. According to a report of the United Nations, India is taking various steps to address this challenge. Various steps are being taken to double the income of the farmers by 2022, work is also being done to increase the irrigated land, coarse grains are being encouraged. India has taken various measures to end malnutrition in the past two decades wherein Midday Meal, Anganwadi Programme, providing dietary items to the poor through Public Distribution System and National Food Security enactment have been included.

In the presented Economic Survey 2017-18, they stated that child and mother malnutrition is still a big challenge for India. Presently, malnutrition is a widespread problem in almost fifty per cent. of the villages of India. Of the total deaths per year in India, the reason behind five per cent. of them is malnutrition. According to the report by UNICEF the total number of malnutrition affected children is 14.6 per cent., out of which India alone has 5.7 crore. It is worrisome that forty-seven per cent. of the children of our country below the age of three years are malnourished. According to the Family Health Survey-4 of 2015-16, height of 38.5 per cent. of the children upto five years of age is far below their age due to malnutrition. According to the figure, seventeen lakh children die before attaining the age of one year whereas 1.08 lakh children are unable to complete even one year of age.

Hence with the aim to uproot the grave problem of malnutrition from the country and to accelerate the development in the backward, tribal and naxalite affected areas establishment of "National Malnutrition Policy Commission" is proposed in the Bill.

The Bill seeks to achieve the above objectives.

NEW DELHI;  
November 28, 2018.

NIHAL CHAND CHAUHAN

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for establishment of a National Commission for the development of malnourished, backward and tribal areas. It also provides for the salaries and allowances for the Chairperson and other members of the Commission. Clause 4 provides for availability of required officers and employees by the Central Government for proper coordination and functioning of the Commission. Clause 6 provides for appointment of technical experts for issuance of funds to States for development of malnutrition affected backward and tribal areas. Clause 7 provides for the constitution of a Malnutrition Prevention Fund. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees one hundred crore would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees two hundred crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 222 OF 2018

*A Bill to ensure protection of individuals, groups, associations engaged in protection and promotion of human rights and fundamental freedoms and for matters connected therewith or incidental thereto.*

BE it enacted by the Parliament in the Sixty-ninth Year of the Republic of India as follows:

### CHAPTER I

#### PRELIMINARY

\* \* \* \* \*

**1.(1)**This Act may be called the Protection of Human Rights Defenders Act, 2018.

Short title,  
extent,  
commencement  
and application.

(2) It extends to whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

(4) It shall apply to all human rights defenders under the jurisdiction, territory, or control of India, without distinction of any kind such as sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, age, economic position, property, marital status, birth, disability, sexual orientation, gender identity, sex characteristics or any other status.

\* \* \* \* \*

Definitions.

**2. In this Act, unless the context otherwise requires,—**

(a) "appropriate Government" means any agency, department, body established to carry out respective functions to those enumerated in this Act and in respect of matters relating to,—

- (i) the Union territory without legislature, the Central Government;
- (ii) the Union territory of Puducherry, the Government of that Union territory;
- (iii) the Union territory of Delhi, the Government of that Union territory; and
- (iv) the State, the State Government concerned.

(b) 'associate' means a person with whom the human rights defender acts to promote and protect human rights and fundamental freedoms;

(c) 'human rights defender' means any person who, individually or in association with others, as a professional or voluntarily, seeks to promote protect or strive for the protection and realization of human rights, socioeconomic and social justice and fundamental freedoms, including but not limited to individuals who are recognized as:

- (i) human rights advocates;
- (ii) human rights activists;
- (iii) social justice activists;
- (iv) women rights activists;
- (v) minority rights activists;
- (vi) environment activists;
- (vii) disabled people rights activists;
- (viii) Lesbian, Gay, Bisexual and Transgender rights activists;
- (ix) journalists and media persons or workers;
- (x) trade unionists and labour rights Activists;
- (xi) Right To Information activists; and
- (xii) humanitarian workers;

(d) 'human rights and fundamental freedoms' means the rights and freedoms guaranteed by, recognized in or declared by the Constitution, International Covenants, or customary international law and enforceable by courts in India;

(e) 'intimidation or reprisal' means any form of violence, threat, retaliation, *de facto* or *de jure* adverse discrimination, pressure of any other arbitrary or abusive action or threat related to a person's status, work or activity as a human rights defender including proposed, attempted or imputed work or activity, directed at:—

- (i) the human rights defender;
- (ii) an associate of the human rights defender;
- (iii) a legal or other representative of the human rights defender appointed

to conduct the affairs of or to otherwise act on behalf of the human rights defender;

(iv) a family member or relative of the human rights defender;

(v) a group, association, community or network, whether formal or informal, with which the human rights defender is associate; or

(vi) the home, property or possessions of the human rights defender or any of the other persons or entities mentioned under clauses (c), (d) and (f) of section 2; and

(f) "registered group, association or non-governmental organisation" means entities registered under the Societies Registration Act, 1860, the Indian Trusts Act, 1882, the Companies Act, 2013 and other relevant Central legislations.

## CHAPTER II

### RIGHTS OF HUMAN RIGHTS DEFENDERS AND RESPONSIBILITY TO DEFEND HUMAN RIGHTS

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**3.** Every person, individually or in association with others, shall have the right to promote and to strive for the protection and realization of human rights, socio-economic and ecological justice and fundamental freedoms at the local, national, regional and international levels.

Right of every person to promote and protect human rights and fundamental freedoms.

**4.** Every person, individually or in association with others, shall have the right to form, join and participate in groups, coalitions or networks of groups, associations and non-Governmental organisations, whether formal or informal and whether registered or unregistered, for the purpose of promoting and striving for the protection and realization of human rights, socio-economic and ecological justice and fundamental freedom at local, national, regional and international levels.

Right to form association for protection and realization of human rights and fundamental freedoms.

**5. (1)** Every person, individually or in association with others, shall have the right to solicit, receive and utilise resources, including from domestic and international sources, including Governmental, inter-Governmental, bilateral and multilateral platforms, philanthropic and private sources and individual donors for the express purpose of promoting and striving for the protection and realisation of human rights, socio-economic and ecological justice, and fundamental freedoms.

Rights to solicit and receive resources for protection and realization of human rights and fundamental freedoms.

(2) Any human rights defender disqualified by appropriate Government for failing to uphold legal obligations as stated in laws governing financial accountability shall be barred from receiving, disbursing and utilizing any financial contributions only after the human rights defender has exhausted every legal remedy.

**6. (1)** Every person, individually or in association with others, shall have the right to:

(a) know, seek access, obtain, receive and hold information about all human rights, socio-economic and ecological justice and fundamental freedoms, including information regarding how those rights and freedoms are given effect in the legislative, judicial and administrative systems;

(b) know, seek access, obtain, receive and hold such information from business enterprises as may be necessary for exercising or protecting or assisting to exercise or protect human rights, socio-economic and ecological justice or fundamental freedoms;

(c) freely publish, impart or disseminate to others views, information and knowledge on all human rights, socio-economic and ecological justice and fundamental freedoms; and

Right to know and seek, etc. of information about human rights and fundamental freedom.

(d) study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights, socio-economic and ecological justice, and fundamental freedoms and through these and other means to draw public attention to those matters.

(2) The rights guaranteed under sub-section (1) may be exercised orally, in writing, in print in the form of art or through any other media, whether online or offline.

Right to develop and discuss new ideas and principles.

**7.** Every person, individually or in association with others, shall have the right to develop and discuss new ideas and principles which relate to promotion and protection for human rights, socio-economic and ecological justice, and fundamental freedoms, and to advocate their acceptance.

Right to freely communicate with non-Governmental Organisations.

**8.** Every person, individually or in association with others, shall have the right to freely communicate with non-Governmental, Governmental and inter-Governmental organisations, international and regional human rights bodies, including subsidiary bodies, treaty bodies, special procedures, special rapporteurs, mechanisms or experts with a mandate relevant to human rights, socio-economic and ecological justice and fundamental freedoms.

Right to Participate effectively in conduct of Public Affairs.

**9.(1)** Every person, individually or in association with others, shall have the right to participate effectively in the conduct of public affairs, including participation on a non-discriminatory basis in the Government of one's country regarding human rights, socio-economic and ecological justice and fundamental freedoms.

(2) The right guaranteed under sub-section (1) includes the right to:—

(a) submit to any public authority or agency, or agency or organisation concerned with public affairs, criticism on or proposals for improving its functioning with respect to human rights, socio-economic and ecological justice and fundamental freedoms;

(b) make recommendations to any public authority regarding legislative or regulatory changes relating to human right, socio-economic and ecological justice and fundamental freedoms;

(c) draw to the attention of any public authority any aspect of its work that may hinder or impede the promotion, protection and realisation of human rights, socio-economic and ecological justice and fundamental freedoms;

(d) draw to the attention of any public authority any action or omission by any actor, private or public, that may involve or contribute to a violation of human rights, socio-economic and ecological justice or fundamental freedoms; and

(e) freely publish, impart or disseminate to others any information submitted to any public authority in the exercise of the rights set out in this Chapter.

(3) In case any competent authority which receives communication of the type referred to in sub-section (2) shall confirm its receipt in writing within thirty days.

Right to meet or assemble peacefully.

**10. (1)** Every person individually or in association with others, shall have the right to meet or assemble peacefully as well as to participate in peaceful activities concerning human rights, socio-economic and ecological justice, and fundamental freedoms, free from interference that is arbitrary or unlawful by public authorities and private actors, at the local, national, regional or international level.

(2) The right guaranteed under sub-section (1) includes the right to plan, organise, participate in and disseminate information regarding peaceful activities concerning human rights, socio-economic and ecological justice, and fundamental freedoms, including demonstrations, protests, seminars and meetings whether conducted in a public or private place.

**11.** (1) Every person individually and in association with others, shall have the right to assist, represent or act on behalf of another person, group, association, organisation or institution in relation to the promotion, protection and exercise of human rights, socio-economic and ecological justice, fundamental rights and freedoms, including at local, national, regional and international levels.

Right to assist  
on behalf of  
other.

(2) The right guaranteed under sub-section (1) shall include the right to:—

(a) complain about the policies and actions of public authorities with regard to violations of human rights, socio-economic and ecological justice, and fundamental freedoms, by petition or other appropriate means, to domestic judicial, administrative or legislative authorities or any other competent authority;

(b) offer and provide professionally qualified legal assistance or other relevant advice;

(c) attend public hearings, proceedings and trials so as to form an opinion on their compliance with national law and human rights and fundamental freedoms; and

(d) submit communications and information of the type referred to in section 9.

**12.** (1) Every person lawfully within the territory or subject to the jurisdiction including the power or effective control of India shall, within that territory or place of jurisdiction, have the right to liberty of movement and freedom to choose his or her residence and the right to carry out his human rights activities in the entire territory or place of jurisdiction.

Right to  
freedom of  
movement.

(2) No person lawfully within the territory of India shall be expelled, by means of an individual measure or a collective measure from the territory of India wholly or partially on account of his acts as a human rights defender.

(3) No person shall be deprived of the right to enter or leave the territory of India on the grounds of or in association with his status, activities or work as a human rights defender.

**13.** (1) Every person individually or in association with others, shall have the right to privacy.

Right to  
privacy.

(2) The right guaranteed under sub-section (1) includes the right of a human rights defender to protect its privacy, including through encryption, and be free from intrusion and interference that is arbitrary and unlawful in his or her family, home, places of work, possessions and correspondence, both online and offline.

*Explanation.*—For the purposes of this section, the words "intrusion and interference" includes any form of surveillance, recording, search and seizer in association with his or her legitimate activity or work as a human rights defender.

**14.** No person shall be subjected, individually or in association with others, to any form of intimidation or reprisal on the, grounds of or in association with the said individual's status, activities or work as a human rights defender.

Freedom from  
intimidation or  
reprisal.

**15.** Every human rights defenders shall be protected from any form of defamation, stigmatisation, or other harassment, whether offline or online, and whether by public authorities or private actors, in association with his or her status, activities or works as a human rights defender.

Freedom from  
defamation and  
stigmatization.

**16.** Every person individually or in association with others shall have the right to the unhindered exercise of one's cultural rights in activities and work as a human rights defender, including the right to challenge and change traditional customs and practices that violate human rights, socio-economic and ecological justice and fundamental freedoms, and to the free and full development of his personality.

Right to  
exercise  
cultural rights  
and to  
development  
of personality.

Right to effective remedy and full reparation.

**17.** (1) Every person individually or in association with others, shall have the right to an effective remedy and full reparation in the event of a violation of the rights in this Chapter or in breach of obligations under Chapter III.

(2) Anyone whose rights have been violated or who has been adversely affected by a breach of obligations shall have the right to apply to a court or a tribunal of competent jurisdiction to obtain such effective remedy and full reparation.

(3) Any of the following may file a complaint at the competent court or tribunal relating to the violation of rights under Chapter II or in breach of obligations under Chapter III of this Act, —

- (a) the human rights defender;
- (b) an associate of the human rights defender;
- (c) a legal or other representative of the human rights defender appointed to conduct the affairs of or to otherwise act on behalf of the human rights defender;
- (d) a family member or relative of the human rights defender;
- (e) a group, association, community or network, whether formal or informal, with which the human rights defender is associate; or
- (f) the home, property or possessions of the human rights defender or any of the other persons or entities in sub-sections (b) to (e) above.

Limitations on the rights of human rights defenders.

**18.** Every human rights defender, individually or in association with others, in exercising rights in Chapter II, shall be subject only to limitations that are prescribed by law and in accordance with international human rights obligations and standards, are reasonable, necessary and proportionate, and are be solely for the purpose of securing due recognition and respect of the human rights and fundamental freedoms of others and meeting the requirements of public order and general welfare in democratic society.

Other rights and freedoms not affected.

**19.** Nothing in this Act shall affect any provisions which are more conducive to the recognition and protection of human rights defender and which may be contained in domestic or international law or instruments.

### CHAPTER III

#### OBLIGATIONS OF PUBLIC AUTHORITIES

Obligation to respect, promote, protect and fulfill the rights of human rights defenders.

**20.** Every public authority shall take all necessary measures to ensure that:-

(a) the human rights and fundamental freedoms provided in Chapter II are effectively guaranteed and ensured;

(b) all laws, policies and programs are consistent with the rights guaranteed under Chapter II; and

(c) human rights defenders are able to undertake their activities and work in a safe and enabling environment free from restriction.

Obligation to facilitate the activities and work of human rights defenders.

**21.** (1) Every public authority shall take all necessary measures to facilitate and protect the exercise of the rights in Chapter II.

(2) The obligation mentioned under sub-section (1) includes the obligation to:—

(a) permit and facilitate access in accordance with the law to places where a person is deprived of liberty;

(b) permit and facilitate access to places and to information required by human rights defenders to exercise their rights under Chapter II in accordance with the law;

(c) provide information about violations of human rights or fundamental freedoms that may have occurred within the territory or subject to the jurisdiction, including the power or effective control of India;

(d) develop and implement policies and measures to promote, support and enhance the capacity of human rights defenders to promote and protect human rights and fundamental freedoms; and

(e) promote and publicly acknowledge the role, function, activities and work of human rights defenders as legitimate and important.

**22.** Every public authority shall make freely available and accessible both offline and online —

(a) international and regional human rights instruments;

(b) the Constitution of India, national laws and regulations;

(c) research, studies, reports, data, archives and other information and materials within the possession of public authorities that relate to human rights and fundamental freedoms;

(d) reports and information submitted by India to international and regional human rights bodies and mechanisms;

(e) minutes, reports and communications of international and regional human rights bodies and mechanisms in which India is discussed;

(f) documents and information related to the decisions or activities of national authorities with competence in the field of human rights and fundamental freedoms; and

(g) all such other information as may be necessary to secure or enable the exercise of any human rights or fundamental freedoms under Chapter II or access to remedy for a violation of any such right.

**23.** Every public authorities shall take all necessary measures to ensure,—

(a) the prevention of, and protection against, any intimidation or reprisal by any other public or private actor; and •

(b) protection of human rights defenders against arbitrary or unlawful intrusion and interference in his family, home, places of work, possessions and correspondence, both offline and online.

*Explanation.*—For the purposes of this section, the words "*intrusion and interference*" includes any form of surveillance, recording, search and seizure in association with any person's legitimate activity or work as a human rights defender without his consent.

**24. (1)** Whenever there is reasonable ground to believe that a human rights defender has been killed, disappeared, tortured, ill-treated, arbitrarily detained, threatened or subject to a violation of any of the rights in Chapter II, whether by a public authority or private actor within the territory or subject to the jurisdiction, including the power or effective control of India, the responsible authority must ensure that a prompt, thorough, effective and impartial investigation is conducted with due diligence and is prosecuted as appropriate.

(2) An investigation pursuant to sub-section (1) shall take into account:—

(a) whether a motive for the violation of the rights of the human rights defender included his or her status, activity or work as a human rights defender;

(b) whether there have been previous violations of the rights of the human rights defenders or systematic violations of the rights of similarly situated human rights defenders; and

Obligation to provide free access to materials relating to human rights, socio-economic and ecological justice, and fundamental freedoms.

Obligation to prevent and to ensure protection against intimidation or reprisal and arbitrary or unlawful intrusion and interference.

Obligation to conduct investigation.

(c) whether the violation was perpetrated, aided, abetted or supported by multiple actors.

(3) During an investigation pursuant to sub-section (1), the responsible authority shall consult with the mechanism established under section 34 and keep the victim or his family, relatives or associates, informed of the status of the investigation.

(4) The Central Government shall request such assistance from relevant international or regional human rights bodies or mechanisms as is necessary to conduct an investigation in conformity with sub-section (1).

(5) Where the responsible authority is unable or unwilling to conduct an investigation pursuant to sub-section (1), India shall request assistance to conduct such an investigation.

Obligation to ensure effective remedy and full reparation.

Obligation to make intimidation and reprisal an offence.

Obligation to promote and facilitate education on human rights, socio-economic policies and ecology sustainability and the role of human rights defenders.

Obligation to implement protection and urgent protection measures.

Obligation to provide assistance to human rights defenders abroad.

**25.** Every public authority shall take all necessary measures to ensure that an effective remedy and full reparation are available and provided for violations of the rights in Chapter II and for breach of the obligations in Chapter III.

**26.** An act of intimidation or reprisal, whether by a public or private actor, against a person, on the grounds of or in association with his or her status, activities or work as a human rights defender, shall be an offence and prosecuted by the competent authority and subject to appropriate penalties which take into account the gravity of the offence.

**27.** Every public authority shall promote, facilitate and adequately resource teaching, training and education about human rights and freedoms, socio-economic justice policies, ecology sustainability, and the role of human rights defenders, including the provisions of this Act, within all public departments and to all persons in this country.

**28.** Every public authority shall take all necessary measures at all levels to fully and effectively implement protection and urgent protection measures determine under Chapter IV.

**29.** (1) Every public authority shall take all necessary steps within their power in conformity with national and international obligations and standards to provide assistance to a human rights defender abroad who has been or may be subject to intimidation or reprisal on the grounds of or in association with his or her status, activities or work as a human rights defender.

(2) The assistance referred to in sub-section (1) may include, as required by the nature of the intimidation or reprisal and the nationality of the human rights defender concerned, the following:—

(a) receiving the human rights defender in the diplomatic mission in that country or visiting the human rights defender at his or her home or places of work, or places where a person is deprived of liberty;

(b) making official representations, whether public or confidential, in relation to the human rights defender;

- (c) attending or observing trials or legal proceedings involving the human rights defender;
  - (d) monitoring and producing reports on the situation of the human rights defender;
  - (e) issuing emergency or replacement travel documents;
  - (f) obtaining medical care;
  - (g) providing details of local lawyers;
  - (h) providing details of local interpreters;
  - (i) contacting the family members of the human rights defender;
  - (j) arranging for someone to accompany the human rights defender to a safe location or providing other relocation assistance; and
  - (k) providing financial assistance;
- (l) providing emergency loans to enable the human rights defender to travel to a safe location.

#### CHAPTER IV

##### MECHANISM FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS

**30. (1)** The Union Ministry of Home Affairs shall establish a National Mechanism for the Protection of Human Rights Defenders, which shall have responsibility within the aforementioned Ministry for coordinating the protection of human rights defenders.

(2) The Mechanism shall, in consultation with the National Human Rights Commission, National Commission for Women, National Commission for Scheduled Tribes, National Commission for Scheduled Castes and other such commissions, along with the civil society carry out the functions assigned to it under this Act.

Establishment  
of Mechanism  
for the  
Protection of  
Human Rights  
Defenders.

(3) Without generality of the foregoing provisions, the Mechanism shall,—

- (a) prevent intimidation or reprisal;
- (b) protect human rights defenders from intimidation or reprisal;
- (c) assist in ensuring investigation of, and accountability for, acts of intimidation or reprisal against a human rights defender;
- (d) direct and promote inter-agency and inter-departmental coordination to prevent, protect against, investigate, and ensure accountability for acts of intimidation or reprisal; and
- (e) promote and publicly acknowledge the legitimate and important role, function, activities and work of human rights defenders.

(4) While undertaking the functions mentioned under sub-section (2), the Mechanism may:—

- (a) monitor and respond to the situation of human rights defenders in India, including risks to their security, and legal and other impediments to a safe and enabling environment that is conducive to their work;
- (b) consult and work closely and cooperatively with human rights defenders in the implementation of this Law;
- (c) coordinate the implementation of this Law, including by developing protocols and guidelines for this purpose, within a period no longer than one hundred and eighty days of the entry into force of this Law;

- (d) carry out assessments of risks, vulnerability or conflict at the National, State, Regional or Local Levels, with the aim of identifying specific needs for the protection of human rights defenders, including by undertaking gender based and collective risk assessments;
- (e) aid, assist and inform investigations for the purpose of prosecuting the offences created under Section 28;
- (f) monitor existing and draft legislation and inform the responsible competent authority about the impact or potential impact of legislation on the status, activities and work of human rights defenders, proposing legislative modifications where necessary;
- (g) advise all areas of government on the design and implementation of policies and programmes to guarantee and protect the rights of human rights defenders under this Law;
- (h) monitor and prepare annual reports on the situation of human rights defenders in India and make recommendations to the relevant authorities on the appropriate measures to be taken to promote a safe and enabling environment for their work and to mitigate and prevent the risks facing them, including by tackling the root causes of violations against human rights defenders;
- (i) propose and implement, or ensure the implementation of, prevention measures and protection measures to guarantee the life, integrity, liberty, security and the work of human rights defenders, giving particular attention to the situation and protection needs of women human rights defenders and other human rights defenders at increased risk;
- (j) advise the responsible competent authority on the desired profiles, selection procedure, income and training of all staff and security personnel with responsibility towards the protection of human rights defenders;
- (k) receive and assess applications for protection measures and implement the appropriate protection measures, including emergency measures, in coordination with other relevant authorities;
- (l) disseminate information to the public about protection programmes for human rights defenders and how to access them, and about the Mechanism's work, guaranteeing transparency in regards to resource allocation;
- (m) disseminate information to authorities and to the public about the UN General Assembly Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and the vital and legitimate role, function and work of human rights defenders; and
- (n) prepare and submit reports and communications on the situation of human rights defenders in India to relevant international and regional human rights bodies and mechanisms.
- (o) Wherever there exists reasonable ground to believe that a human rights defender has been killed, disappeared, tortured, ill-treated, arbitrarily detained, threatened, or subject to a violation of any of the right in this Act, whether by a public authority or private actor within the territory or subject to the jurisdiction, including the power of effective control, of India, the law enforcement authorities within jurisdiction over the matter shall ensure that a prompt, thorough, effective, impartial investigation is conducted with due diligence and is prosecuted as appropriate.
- (5) The Mechanism shall respect and maintain the confidentiality of the personal data collected on human rights defenders.

(6) The Mechanism, together with independent experts and in consultation with civil society, shall develop obligatory information management and digital security policies for their staff and all other authorities with access to information received by it.

(7) The Mechanism, together with independent experts and in consultation with civil society, shall carry out periodic reviews of the implementation of this Law and the Mechanism's effective functioning.

Provided that the first review shall be carried out within 18 months of the entry into force of this Law.

(8) State Mechanisms for the Protection of Human Rights Defenders shall be established at the State level, working under the Home Ministries of their respective States, with the function of assisting the National Mechanism in fulfilling its functions described in sub-section (2), while working with State Commissions on Women, Scheduled Castes, Scheduled Tribes and other such Commissions wherever established, along with members of the civil society.

**31.** The appropriate Government shall consult with human rights defenders and other civil society actors in relation to all aspects of the work of the Mechanism.

Consultation with civil society.

**32. (1)** The Central Government shall provide adequate financial resources to the Mechanism to enable it to fulfil its functions and exercise its powers fully and effectively.

Fund for the Protection of Human Rights Defenders.

(2) To fulfil the purposes of this Act and for the purpose of obtaining financial resources additional to those in sub-section (1), the appropriate Government shall establish a Fund for the Protection of Human Rights Defenders.

(3) The Fund shall also be credited:—

(a) grants and loans from the public sector and the private sector; and

(b) contributions from domestic and foreign persons, groups, associations and organisations and institutions.

(4) The Fund shall be utilised exclusively for the implementation of protection measures and prevention measures and other acts authorised under this Act by the Mechanism and other entities authorised by it.

(5) The Fund shall be administered with full transparency and a report of the Fund's use shall be included in the Mechanism's annual report.

Training and vetting.

**33. (1)** Every person involved in the Mechanism, including security and law enforcement officials, shall be appropriately shortlisted based on their proven record on adherence, protection and promotion of human rights wherever permissible, vetted and shall receive training prior to the commencement of their involvement, together with continuing training designed to ensure full and effective implementation of the Law.

(2) The training under sub-section (1) shall include training on human rights and fundamental freedoms, including the situation and protection needs of victims and of more vulnerable human rights defenders, specifically those working issues of Environment, Minorities, DNTs, SCs/STs on sexual orientation, gender identity and sex characteristics issues, those acting or working in rural and remote areas and women human rights defenders.

Act to have overriding effect.

**34.** The provisions of this Act shall have overriding effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Power to remove difficulty.

**35.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

Power to make rules.

**36. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

#### STATEMENT OF OBJECTS AND REASONS

The Indian Constitution was a contemporary of the Universal Declaration of Human Rights (UDHR), having been constructed just a few years apart. Through the incorporation of human rights and fundamental freedoms as enshrined in the UDHR, the Indian Constitution set the legal platform for the protection and promotion of human rights. Laws such as the Protection of Human Rights Act, 1994, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the Right to Information Act, 2005 and several others expanded the scope of Part III of the Constitution by guaranteeing socio-economic and ecological justice. Successive Governments have strengthened mechanisms ensuring adherence to the Indian Constitution, and through the same, to the UDHR.

The very nature of human rights bestows upon the State the sole responsibility of protecting an individual's, or a people's rights from being infringed. Yet, the State remains capable of violating these rights as well. Given this inherent conflict of interest, the civil society has been playing an increasingly important role in keeping checks and balances on the State-ensuring that the State not only protects, but also promotes human rights, socio-economic and ecological justice, and fundamental freedoms. In doing so, the individuals, or the association of individuals who qualify as human rights defenders have been increasingly victimized by those perpetrating violations on the rights and freedoms. As the scope of human rights, socio-economic and ecological justice, and fundamental freedoms widens, and the role of human rights defenders broadens, the number of attacks on them increases from both, the State and private entities. Since protection afforded to human rights defenders has remained the same despite the evolution of rights. Bill seeks to recognize, promote and enhance the mechanism for the protection of those most vulnerable to violation of their rights, the human rights defenders.

Aiming at rectifying this glaring lacuna, this Bill sets out to carry out three major functions. Firstly, it reasserts that the rights and freedoms that an ordinary Indian citizen enjoys are to be availed by a human rights defender. Secondly by recognizing that human rights defenders, through the virtue of their work, require enhanced protection of their rights, it establishes the obligations of the State in protecting them. Thirdly, given the loopholes in the existing protection mechanism for human rights defender, this Bill seeks to establish a new Mechanism, remedying existing problems, while pre-empting future necessities of human rights defenders.

In an increasingly rights-oriented world, this Bill provides India the opportunity to display its commitment to the principles laid down in the UDHR and the Indian Constitution. The immediate enactment of this Bill has the potential of creating a ripple-effect; protecting rights of human rights defenders establishes confidence amongst them in ensuring protection and promotion of rights of other ordinary citizens. Thus, with the aim of affirming, promoting and protect human rights, social and ecological justice rights and fundamental freedoms in India.

The Bill seeks to achieve the above objectives.

NEW DELHI;  
November 28, 2018

A.P. JITHENDER REDDY

#### FINANCIAL MEMORANDUM

Clause 30 of the Bill provides for establishment of Mechanism for the Protection of Human Rights Defenders. Clause 32 provides for the constitution of a Fund for the Protection of Human Rights Defenders. The Bill, therefore, if enacted, would involve recurring and expenditure non-recurring. However, at this stage, it is difficult to estimate the expenditure to be incurred from the Consolidated Fund of India.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 36 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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SNEHLATA SHRIVASTAVA  
*Secretary General*